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# WORKS

OF THE

Right Honourable

# Henry late L. Delamer,

AND

# Earl of Warrington:

CONTAINING

His Lordships Advice to His Children, Several Speeches in Parliament, &c.

WITH MANY OTHER

# Occasional Discourses

On the AFFAIRS of the

# Two Last Reigns

BEING

Original Manuscripts Written with His Lordships own Hand.

Deber befoze Printed.

LONDON,

Printed for John Lawrence at the Angel, and John Dunton at the Raven in the Poultrey. 1694.

MVSEVM BRITANNICVM

# The Right Honourable

THE

# EARL

# WARRINGTON.

My Lord,

Since my late Lord Warrington your Father trusted me with the care of your Education, your Lordship has made so great a Progress in all things which I Taught you, that I am now forced to procure you another Tutor: You are become in a little time a great Master of several Languages, and most parts of Philosophy, and I may say without statte.

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ry.

# The Epistle Dedicatory.

ry, that your Lordship hath Genius, Learning and Piety enough to make one of the Best and the most Accomplish't Gentleman in England; But yet your Quality requires something more; for it is not enough for one in your Lordships High-Station to be Humanist, Geographer, Historian, (and I may add) a good Man too; he must be also a States-man, and a Politician; but being neither, my felf I must repeat the same thing over again to my Shame, and to your Credit, that your Lordship wants a better Master. Amongst several of the most Eminent Men which I could recommend to your Lordship, I found none fo Learned, nor indeed so fit to make deep Impressions upon your Mind as your Lordships Noble Father, whose Writings belongs to you as well as his Estate; I don't doubt but you will strive to get the best

# The Epistle Dedicatory.

best share of his Learning; nor can you fail of an Extream Delight by drawing. Sciences out of the same Spring from whence your Noble Blood did flow. His Book then being yours both by Inheritance, and by the particular gift of its Authour, it would be unjust to present it to any other but your Lordship; and needless to recommend it, or beg your acceptance for't: Therefore omitting any longer Preface, in Recommendation of these Golden Remains, I'll only take leave to make this Observation upon them, That as there is nothing wanting in them for your Lordship's Instruction both by Humane Learning and Solid Devotion, I have fitted you with the Master that I look't for, and whom you wanted: From whom having obtained all the Qualifications which your Noble Soul is capable of;

# The Epifile Dedicatory.

you have no more to wish for, but that you may live and practice em; and it will be to me both a great Satisfaction and Honour to see my Work sinisht by the same Artist who put it first into my hands, and trusted me with the beginning of it. It will be enough for me that I have put my hands to such a Master-piece, and shall be highly honoured if your Lordship take notice of my Endeavours, and sufficiently Rewarded if you grant your Protection to him who has no other Ambition than to be,

Your Lordships

Most Humble, most

Obedient and most

Devoted Servant,

7. Dela Henze.

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Fire Contents

# CONTENTS.

### f.

II IS Lordships Advice to his Children. page 1

## II.

An Essay upon Government

p. 36

#### III.

Reasons why King James Ran away from Salisbury.

#### IV.

Observations upon the Attainder of the late Duke of Monmouth, with some Arguments for the Reversing therevof.

V. Of

#### V.

of the Interest of Whig and Tory; which may with most safety be depended on by the Government, on the account either of Fidelity, or Numbers. In a Letter to a Friend.

p. 82

#### VI.

A Discourse shewing who were the true Incouragers of Popery: Written on the occasion of King James's Declaration of Indulgence.

p. 88

#### VII.

A Speech in Parliament for the Bill of Exclusion. That the next of Blood have no Absolute Right to the Crown, p. 94

#### VIII.

A Speech against Arbitrary and Illegal Imprisonments by the Privy Council. Several Laws for the Restraint of this Power. Instance of the Exercise of this Power

Power on Sir Gilbert Gerrard about a Black-Box. An Objection answep. 100

#### IX.

A Speech against the Bishops Voting in case of Blood. Lord Coke's Opinion against it. An Act of Parliament Good to which their Confent is not had. Bishops no Peers, though Lords of Parliament. p. 107

X.

A Speech against the Pensioners in the Reign of King Charles II. p. 115

A Speech for the stting of Parliaments, and against King Charles the seconds p. 121 Favourites. XII.

A Speech in Parliament on the occasion of Some Justices being put out of Commission in the faid Reign. p. 129. XIII. A

### XIII.

A Speech for the Banishing the Papists. p. 133

#### XIV.

A Speech on the Corruption of the Judges.

1 Laws to prevent it. Some Instances
thereof, particularly, Sin George
Jeffreys when Judge of Chethere.

1 Ster.

1 P. 138

## X¥.

p. 129.

A .IVX III Reign.

#### XVI.

A Speech against the Asserters of Arbitrary Power, and the Non-Swearers. p. 385

### XVII.

A Perswasive to Union upon King James his design to Invade England, in the Year 1692. p. 401

#### XVIII.

Some Reasons against Prosecuting the Dissenters upon the Panal Laws. p. 412

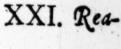
#### XIX.

A Discourse proving the reasonableness of the present Revolution from the Nature of Government. p. 421

#### XX.

Whether a Conspiracy to Levy War is an Overt Act of Conspiring, or Imagining the Death of the King.

P. 437



#### XXI.

Reasons for an Union bet ween the Church and the Dissenters. P. 457

#### XXII.

Of the Absolute Power Exercised in the late Reigns, and a Defence of King Williams Accession to the Throne. Election the Original of Succession, Succession not very Ancient. Division among Protestants a step to Arbitrary Power. Enemies to the Act of Indulgence Disaffected to the Government.

P. 467

## MIXX reformbleness of

A Speech concerning Tyranny, Liberty, Religion, Religious Contentions. Laws of Advantage to the State, cannot burt the Church. Of Conquest. Of God's ways of Disposing Kingdoms, and against Vice. P. 483

XXIV. The

#### XXIV.

The Legality of the Convention-Parliament, though not called by Writ. p. 509

#### XXV.

A Refolution of Two Important Questions.

1. Whether the Crown of England be Hereditary.

2. Whether the Duke of York ought to be Excluded.

XXVI.

The Case of William Earl of Devonshire for striking Collonel Culpepper. p. 562

#### XXVII.

Arguments against the Dispensing Power. p. 583

#### XXVIII.

Prayers which his Lordship used in his Family. P. 597

XXIX. Some

#### XXIX.

Some Memoirs of the Methods used in the Two last Reigns. The Amazing Stupidity of those that would reduce us again into the same Condition. p. 613

## XXX of England be

Some Arguments to prove that there is no Presbyterian, but a Popish Plot; and against the Villany of Informing in p. 627

### XXXI.

Monarchy the best Government, and the English beyond all other. With some Rules for the Choice of Members to serve in Parliament. A Summary of Laws in a charge to the Grand Jury. p. 645

#### XXXII.

A Poem on the Death of My Lady Warrington. p. 681

Some Some

His

His Lordship's

# ADVICE

To His

# CHILDREN.

To my Dear Sons.

Aving lived in an Age, where a few Months has produced great Revolutions and Troubles, the mischievous effects of which having fallen very heavy as well upon my own Person, as upon my Family: For before I was nine years old I faw my Father a close Prisoner in the Tower feven Months for his Loyalty to his King and Country, and by little less than Miracle thence delivered; and having but just passed over my Thirty Fourth Year, for the next day (after having been a close Prisoner in the Tower three times) I was tryed for my Life, for adhering to the Interest of my Country. And now in my Thirty Seventh Year perceiving a boisterous Storm to approach, by which I may probably expect to be Iwept away in the common Calamity, and confequently

quently must leave you all very Young; I think it to be the best thing I can do for you, to advertise you of the rocks and precipices which by means of my Troubles and Sufferings I have discovered: And to that end it is that I recommend to you the following discourse.

Next to being wife to Salvation, there is nothing that more concerns any man, than to know how to order his Affairs with difference: For this not only brings us with ease and content through the world; but this double Happine's also attends it, First by it we leave behind us that highly valuable thing of a good Name, and Secondly it helps us many steps in our way to Heaven. Therefore to give you some directions how to steer your course through this World is the occasion of the

following discourse

First then, be fure to begin and end the day with God. Let not any business prevent you from spending some time in private devotion both Morning and Evening: For this, as without contradiction it is our duty, so Reason does strongly perswade the practice of it: For if we do believe that there is a God, and that all our hairs are numbred, which implies his particular care of us; can we expect that he should take us the rest of the day into his protection, when we fet so little by it, as not to think it worth the asking? Were any of us to go fome road which we had never travelled before, and besides so full of holes and precipices, and fuch as whileft we avoided one, it would be great odds that we fell into another, and confequently would be extreamly bruifed if not killed, and there is but one Person who knew the way; would not

we be very importunate with him to guide us? If then we do but feriously consider the multitude of hazards and dangers which we are exposed to in one day, we must conclude that our preservation is purchased by a very small price, even by a few minutes in private devotion in the Morning. And there is as great reason for our evening Sacrifice. It is a very finall favour that does not deferve thanks; but great ought our acknowledgments to be every evening for our prefervation the day past: For reckon up by how many feveral accidents men have dyed, even fo many and more do we escape every day; and then confider how finall a recompence we render to the Lord for fuch transcendent Benefits, and how gracious he is to accept fo small a tribute as we are able to pay him in a quarter or half an hour in private. Consider further, if betwixt man and man an acknowledgment of a favour received lays a fort of obligation upon the Perlon to bestow a second; what may we not expect from God, whose goodness extends beyond what we can comprehend? for he bestows Benefits upon the most ungrateful; and then we may be sure that a fincere and humble tribute of thanks will be very acceptable to him. And that it may be fuch, take especial care, that your Supplications (as much as in you lies) be void of all distraction and dullness, lest being performed carelesly and formally you may feem to mock God: for he cannot be pleased with such Services, neither will he anfwer them in mercy: For I have observed, any Morning that I have burried over my Devotions, the day following has not been prosperous, and that thing which particularly occasioned me to such haste, has met with ill success.

In the next place, Let all your Dealings be measured by the golden Rule, of doing to others as you would be done by. For as without this you cannot be a good Christian, so he that is void of it cannot be a truly moral man. It is much to be lamented, that amongst us it is not more seriously confidered, and faithfully practifed: For the want of it is the root, from whence most of our mitchiefs and troubles do fpring. And whenever men do entertain a just opinion of it, then will the World be truly faid to enjoy the golden Age: For next to the Gospel of Jesus Christ, nothing can procure to much peace on Earth. True it is, that feeming Advantages may frequently offer themselves to induce us to go beside this Rule; but indeed they have only an out-fide, and no more: for what a man gains thereby, is but of a short duration, and feldom ends but in trouble and vexation; for being out of Gods way, it cannot be expected that his Bleffing should attend it, and without that nothing can prosper. And besides, he that in a great measure does not practice this Rule, cannot go out of the World with the name of an honest man; and he that is not folicitous to leave behind him that character, is fitter to herd with Brutes, than to be admitted into any civil Society.

And now let me recommend to you the Duty and Affection which you owe to your Country: For next to God's Glory, there is nothing that ought to be fo dear to you as the common good; it is to be preferred to your Life, Estate or Family. To this you are strongly perswaded as Man is a sociable Creature, for it is by the mutual assistance of each other that Mankind subsists. Let every Man seek only himself, and have no regard to the

common

common good, nothing but an universal disorder and confusion would thereupon ensue; and then what profit can we expect of all the labour that Man takes under the Sun? True it is, that fishing in troubled Waters may be gainful to fome people; yet all their attempts are done in expectation that there will be a fettlement in the Publick, as without which their Undertakings will prove ineffe-Ctual; So that not only Nature, but Self-Interest argue irrefragably for it. Besides, as we owe the happiness of our Age to the care that our Fore fathers had of the Publick; fo it lays a duty upon us to transmit to Posterity what was bequeathed to us: No man is more ignoble, than he who throws off all thought for the Publick, the very Heathens could fay, how pleasant and delightful is it to dye for their Countrey? It is by reason of this concern for the Publick that we render fuch honour to the King; who if the Common-wealth did not receive great Advantage by his Care and due administration of Justice, would be regarded no more than another man. There never yet was any good Man who had not an ardent zeal for his Countrey; And to all men of true honour and worth, it is a more pleafant reflection to think how useful they have been in their Generation, than how wealthy they are grown.

Though we are bound to do all the good we can, yet you ought not to be over-forward in taking upon you any publick Imployment, fave with these two Cautions, First, that you be in some good measure qualified for it. Secondly, that you undertake it for the sake of Gods Glory and the good of your Country, and not to gratise your Ambition: For as by reason of Insufficiency, you

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will certainly come off with shame; so by desiring it for a wrong end, God will not prosper it. Perhaps the activeness of your temper may push you on to business; in that case you have no more to do but to make your self sit for it; and then a man of your quality and condition need not hunt after

imployment, for it will feek him out.

Now as good efteem and popular applause are the general returns to good fervice done for the publick, fo fuch as deferve it, feldom fail of it: And you will find that this Nation is more steady in the first and the more valuable, I mean their good esteem and affection, than in the latter, for that is bestowed upon every occasion, and so being become common is of less value. If then you have done your Countrey good fervice, be not disturbed when you may think the merits of your fervice is forgotten and drowned in the applaufes that are given to some popular action: For you will often fee that though a Man has been the greatest Villain to his Country, yet upon doing any one popular thing, he shall for the present be cryed up as the best and bravest man alive; but as this has no foundation, fo it will prove but a nine days wonder, and when that time is expired, they will return to their Wits, and remember those to whom they are obliged. When you are got into imployment, be it never so agreeable to you, let not the fear of being turned out prevail with you to do the least Injustice, or to act is regularly, neither for the ferving of a turn, nor for any other Consideration: For upright behaviour in regular times, is the furest way to keep you in your Seat: And in times of diforder you must resolve to do every ill thing that is put upon you,

if by fuch means you will keep your place, for the doing of one will not fecure you. Now though you lose your Place by refusing to do what you think is not just, yet you retain your Honour and Conscience, and all the odium your Enemies would cast upon you will then prove only malitious aspersions, and turn with shame upon the head of your Accusers: And by your Integrity you will give your Family so great a Reputation, as sooner or later will turn more to the advantage of it, than the holding of your Place longer could have been

When you are in a very high Station, be fure to behave your felf with the like familiarity to all forts of Persons, as you did before your promotion: For by this you will not only gain the esteem of every body; But if you are displaced, you will lose nothing of the respect that was

paid you.

Belides this, be fure to be easie of access to every one that has business with you, and give them all the dispatch you can: For as in common charity you are bound to do it, that no man may be tyred out in attending his just concerns, so it is an honest policy to keep friends in store against an evil time; whereas they who practice the contrary, not only procure themselves hatred whilest they are in Place, but when turned out (for such don't stand long) none are so much despited and contemned as they.

But an Imployment at Court, I mean such as is purely within the Court abstracted from the Publick, is seriously to be thought on before you ingage in it: For nothing but the pure profit can incline a man of a generous and noble Spirit to

B 4 accept

accept of it. For though Princes should be examples of Piety as well as administers of Justice; yet there is so much looseness and disorder in their Families, that a man who lives there must be very well fortified with Religion and Morality, or he will be in great danger of losing his Integrity: For how often will he be necessitated to neglect his Devotion both in publick and private, and at best hand postpone the worshipping of God to the attendance on his Prince, and serve God only in the fecond place: And then it is no strange thing if the mist occasion'd by the arbitrary vapours of the Court do fo far miflead him as to fall down and worship him who is but his fellow-creature; yet great respect is due to him, because placed in some degrees above him for his good and advantage.

Consider besides the service compliances to which he must submit, even to pretend to love the man he hates, and crouch and bend to the man that he does despise; And as Courts are always in Factions and Parties, so he cannot avoid falling in with some side; and whatever they drive at, he must implicitly pursue it, though to the destruction of some Person who never injured him, or

any other thing as base as that.

Add to this, how unsetled he must be, always in a hurry, and shifting from place to place at an hours warning, and pay such slavish attendance as we don't expect from the meanest of our Servants: And in the mean while his Estate in the Country is lest to the honesty of Servants, in which as he cannot fail to be a loser, so must he also in the interest and affection of his Neighbours: Whereas he that lives at his own house, has daily opportunities of doing good, and is still gaining upon the good

good will and esteem of his Countrey, so that when any of them see him, they do not fall to pay him respect, and at the same time wish him well from their heart.

Though this is not intended as a discourse upon the Politicks, but as some directions in your passage through this World; yet I conceive it not improper to say something of Government in general, and therein of a King, since the want of a right notion herein has been the occasion that many a one of honest intentions has gone out of the World with the character of an ill Man.

Government then in general is necessary, as well because of Gods express Command, as also that no Society of men can fublift without it: And that particular form of Government is necessary, which best suits the temper and inclination of the People, and thereby becomes to be Gods Ordinance; But no particular model of Government is fuch in it felf, fave so far as it effects the true end of Government: For nothing can be God's Ordinance, but what he has exprelly declared to be fuch. And if he had thought any fort of Government to have been better, or more necessary than another, he would not have left the World fo much in the dark in a matter of fo high importance; but he would either have expresly declared it in his Written Word, or discovered it to us by the instinct of Nature; But we cannot find any fuch thing in Holy Writ, neither does Nature prompt it, because there are so many several forts of Government in the World, no two of them agreeing in every point, but differing in something that is very material. And even the Jews, Gods peculiar Feople, who received their Statutes and Judgments imme-



immediately from him, yet therein he did not prescribe or limit them to any particular form; but what he did command were only rules in general for the executing of Judgment and Justice amongst themselves; for we find that the form of their Government was changed no lefs than five times, If not more often: 1. Under Patriarchs, 2 Under Moses, 3. Under Judges, 4. Under the High Priest, 5. Under Kings. So that nothing can be more clear, than that God has not appointed the World any form of Government, but left every Nation and People to chufe fuch a Model as beft liked them: And I have often thought, that God Almighty did on purpose permit the Jewish constitution to be changed to often, to let the World understand that every form of Government was alike indifferent to him, and that if any People found theirs to be out of order, the blame refted at their doors if it was not reformed.

The true original of Government being thus discovered, it gives us plainly to understand whence Kings receive their fower, and what is the natural and lawful measure of their power: For if God Almighry did permit every people to model their own Government, from whence can the Kings Prerogative flow, fave out of that constitution? Unless it be supposed, which is ridiculous to imagine, that Kings are fent down immediately from Heaven with their Commission in their hands, or else that they begat all their Subjects. If then their power does flow from the Constitution, the natural extent of it does feem to be limited within the rules of doing equal right to rich and poor, to relieve the oppressed, and to punish the guilty, unless it can be supposed that cruelty cruelty and oppression is more eligible than Justice . and Peace. And therefore it is more than to be supposed, that when any People conferred fo great a trust upon their King, it was with this condition, either expressed or implied, that as much as in him lay he should lay out that power to the good and advantage of the People: For though feveral Kings have taken upon them to govern by their Will, and this practice has prevailed for many Successions and Ages, yet this cannot give them a good title to their arbitrary Rule, because the body of the People have an earlier claim, and a younger title must give place to the elder, and a title or power gained either by force or fraud can never be good, and by one of these two arbitrary Power can only be gained: For the measure of Power, which by the institution of the Government was affigned to the King, cannot in reason be supposed to be any other, than such as men of found understandings and without constraint should judge to be most behoveful to the common good. Now if Kings may of right exercise a power beyond this, then is the condition of every Subject much worse than the Brutes; for Brutes, though chaced from their usual abode, yet can they in any other place find food and lodging, as well as where they used to frequent; and whenever they are killed or purfued, it is because they are hurtful, or that the feifing of them is useful to men: But when Subjects, by reason of the cruelty and oppression of an arbitrary King, are neces-sitated to sly for their Lives, they are under a certainty of perishing for want of food and lodging, if not relieved by the charity of others; and their destruction is resolved on, not that they

have offended against the Laws of nature or reafon, but because the intentions and thoughts of their King are evil. A King that lays out himself for the good of his people, is to be obeyed for Conscience sake, for he is God's Ordinance; and such a King can never be too highly esteemed, nor the loss of him sufficiently lamented. But when a King for sakes the guidance of the Law, and rules only by his Will, to call such an one God's Ordinance is very absurd, unless we can suppose God to be the Authour of consusion and oppression.

All that have written of Government agree in this, that Kings were created or fet up that Juflice may be had, which does plainly intimate thefe things, First, That every King is such by reason of the constitution of the Government. 2. That he is admitted to that trust upon condition. 3. That when he does not administer Justice, much more when he oppresses the People, he exceeds the limits of his lawful power; and both this Do-Arine and Exposition is not denyed by any, save fome ignorant Ambitious Clergy, who in hopes of preferment have turned Bands to Arbitrary Power. And the Coronation Oath, or Solemn Ingagement which every King takes before he is crowned, confirms the foregoing Observations; and what can oblige the taking of that Oath, but the constitution of the Government? For fince Mankind is fo greedy of Power, and prone to incroach up. on anothers right, can it be supposed that Kings would clog themselves with the Coronation Oath, if they could avoid it, much less that they would on their own accord fo fhackle themselves?

What

What has been faid, will ferve to explain what is the true meaning of a natural Prince or Lord, a notion, which for want of confideration, has gulled a great many good People, and yet amounts to no more than this, That he is one of our Brethren, or born amongst us.

It is a meer conceit, to imagine that any thing is fuch by the institution of Nature: For if Nature had formed any Government, every other Government in the World would have been of the fame Form and Model to all intents and purposes: For Nature is immutable and the fame in all places; and what it does in one place, it does the fame thing in another. So-that all that Nature does in the framing of any Government, is only to concur with the people in making choice of that which best suits their disposition and temper, not to prescribe or necessitate them to any particular form: And then consequently it will follow, that what lawful Right or Power every King claims, is by reason of the constitution of the Government, and not from Nature.

If there be any fuch thing as this Natural Right, it must be inherent in all lawful Kings; for if some of them have it, why not all of them? And if any have, every King else has the same. And if this be so, where was the Natural Right of King Stephen and Henry II, both born out of the Realm, their Fathers Forraigners, and at the same time there were others, who by right of descent were

nearer to the Crown than either of them.

It was not this natural right that invented the coronation oath, neither is it by reason of it that every King of England is bound to take it before they

they can require any of their Subjects to do them .

homage and fealty.

If there be any such thing as this natural right, then it will follow that all the Kings of the earth but one are Usurpers; because this natural right must arise from *Primogeniture*; and there can be but one man at the same time who is the rightful Heir and Successor to Adam; and consequently all others that pretend to be Kings, usurp upon his right. So that this notion of a natural right, pulls

down the thing it pretends to fet up.

who is first set up? Or when a Family is extinct that has been long in possession of the Crown, and the Body of the People chuse a King from amongst themselves, is it by this natural right that he attains to this dignity? But as a multitude of other absurdations would follow upon it, so the Apostle puts the thing out of dispute, when he says, That Kings are the Ordinance of man. And here I will leave Kings to resolve which is their best title, whether this natural right, or the constitution of the Government.

Differences and disputes do but too frequently arise betwixt the King and People; and therefore I will tell you what I conceive to be advisable when such ill humours are affort.

Consider whose demands do best suit the common good; For by a serious and impartial examination of that you will be able to discover who is in the right: For if you follow this rule exactly, it will not misguide you. And take this Observation along with you, When the State is distempered, you will find for the most part (if not al-

ways)

ways) that the cause of offence proceeds from the Court. And the reason of it is very evident, Because so long as English men injoy their rights, they have no occasion to quarrel with the King, for they need nothing else. But Kings as they are, always think they are too short in power, and those that are about them are too apt to incourage those desires in Kings; because the more absolute he is, the more absolute he is to gratishe his Creatures. Now in this case, let not the opinion of the Ciergy govern you; for none are blinder Guides than they, and no one thing hath done more mischief in this Nation than their politicks.

If you happen to be on the prevailing fide, use your advantage with Moderation. This you are obliged to do as you are a good (hristian, and self-interest pleads for it: for fince the events of all things are uncertain, there may come another turn, and then in reason you may expect fair quarter from them, whom you treated so well in the day

of your power.

If your Party come by the worst, remember these two things; First, don't think the worse of your Cause by reason of the Success; Neither make any mean submission, nor do any other sordid thing to get out of your trouble; use only lawful and honest means, for if you are in the right, sooner or later it will prevail, and then in the end

you will come off with double honour.

2. If you are examined as a criminal, confess nothing, only argue against the insufficiency of what is objected against you. For First, It is an argument of your courage and resolution. Secondly, By confessing any thing, you help them to evidence against your self and others; for you furnish them with

with time and place, and then it is an easie matter for a Knight of the Post to give such an evidence against you as is not easily disproved. Thirdly, It's very seldom that you will meet with better usage, though you confess never so much, unless you will turn accuser of others, and give evidence against them; which is so base a thing, that I would advise you to undergoe any extremity rather than do that: For as your own Party will for ever abhor you and your Memory, so the other side will despise and slight you as soon as you have done their business, and all that you can do for the future will never wipe off such a blot.

If you are concerned in the profecution of any publick Criminal, let your proceedings be tempered with Justice and Moderation: For I have seen it fatal to several who have strained and forced the Law to the destruction of others, yet in the end fell into the Pit they digged for others, and pe-

rished by their own Law.

When the State is fo fore that it makes a Man an Offender for a Word, and the times are fo evil that the prudent keep filence; Then are all meetings to be avoided, fave only such as are upon real buliness, recreation, or for Neighbourly Visits, and those too in as small numbers as may be, for Spyes and Informers will thrust themselves into Consults and Cabals, and of all others will say the hottest and most violent things, in hopes that believing that all proceeds from the fervency of their Zeal, you may thereby be induced to fay fomething that will bring you within the compais of the Law: Or if you have the discretion or good hap to fay nothing, yet your very being in the fame Company where such things have been faid or uttered,

uttered, may either make you criminal, or at best hand involve you into a great deal of trouble, without bringing any advantage to the Cause you do assert. And besides, he that herds in Cabals, must implicitely adhere to the opinion of that Company; for by asserting his own Judgment in opposition to theirs, though he be never so much in the right, he runs the hazard of being reproa-

ched for a Spye or Deferter.

As you ought not to refuse any danger, when a proportionable advantage will thereby accrue to the Cause you would support; so in such sore times you ought to avoid the doing of any thing unnecessary, hot and provoking, unless where you or the Cause will reap benefit thereby. For young men, either through the heat of their years, or the instigation of more crafty people, are too often prevailed upon to do many things, that in appearance look very brave, and for the prefent may gain a popular applaule, but in the end ferve only to expose the Persons themselves and the Cause they stand by: For a hot-headed or rash Action of any one Man, especially if he be of note, furnishes the other side with sufficient matter to brand the whole Party with it. If therefore you shall at any time be put upon doing any such thing, do but defire those that propose it to lead you the way; and if they refuse, you may be fure that it was not your good they intended, but to promote fome felfish end of their own, though they forefaw that it would expose, if not ruine you.

These Directions, and what else can be given you, will not much avail without your own improvement of them, which must be done by reading and observation; and those sorts of Studies

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feem to be most eligible by men of generous tempers, which tend most to fit a man for the publick Service; and next to God's Law, there is nothing more necessary for an English-man than to be well acquainted with the Law of his own Country; to the attaining of it feveral Books are to be read, of which I do in particular recommend to you Coke's Institutes, Croke's, Hubbert's, Dyer's and Vaughan's Reports, and especially the latter, for though it contains but a few Cases, yet they contain in them such strong reason as gives great Light into other matters. Next to these, all my Lord Bacon's Works, and a Book called Bacon's Uniformed Government of the Laws of England, which is worth its weight in Gold. Next, Lambert's Saxon Laws, Fortefcue of the Laws of England, A Book Intitled De Pace Regis & Regni, and another called the Rights of the Kingdom, and a small Book Intitled Nibil dictum, quod non dictum prius.

Most, if not all of these you will find in my study, and they may easily be read over in a few Months, and time enough allowed for Business and Recreation. When you have gone through them, I am perswaded that they will not only give you an appetite to read them over again, and make observations as you go along, but also to enquire

after other Books of that fort.

Next to a knowledge in the Law; History is very necessary, and especially of our own Country. And though we have many Chronicles, yet the Lives of our Kings that are written by particular hands are the best, and give the truest account of things. It is also necessary to look into the Histories of other Countreys, and the Lives of Famous Men, as those that pass under the Title

of

of Plutarch's Lives, Grotius de jure belli & pacis is allowed by all to be one of the best Books that ever was writ. And notwithstanding the clamour that is made against Machiavil, I would not have you to pass him by; for that part of him against which the out-cry is made, it is only Instructions what a Tyrant is to do if he will reign safely; yet he does not perswade any King to it, but is much against it, as you will see in reading over his Works.

To read a Play or Romance now and then for diversion, may do no hurt; but he that spends most of his time in such Books, will be able to

give a very ill account of it.

Be your Studies what they will, yet be fure to drive the nail only as you find it will go. That is, in the first place, never go to your Study but when you find your felf very well dispoted to it; for to do otherwise, is to go against the grain, and nothing that way can be well done. In the fecond place, stay no longer at it than you can taste what you read; for after that your thoughts begin to be unsteady or wander, it is loss of time to profecute it: nay it will occasion you to lose much of what you had gained before, and fo you will go backwards instead of forwards: For nothing is more mischievous in studying, than to tye ones felf to a certain time of going to it, or staying so long, or reading so much together, for we are not at all times alike disposed to our Book. Now by studying only when we are disposed, though we do not feem to make fuch hafte, yet we make better speed; for a Book read over once this way, is of more advantage than thrice read over, if these precautions are not observed.

When

When you are to debate in Parliament, or upon any other publick occasion, and since the end of speaking is to convince, Observe these two sol-

lowing Directions.

First, Argue as directly and closely to the matter as you can; for this is the surest way to prevail, because it gives your Opponents the less advantage against what you say. And besides, nothing is a greater argument of a sound judgment, than to be able to bring the matter to a point.

Secondly, Be not over follicitous for words and Phrases, when either they hinder you from digesting your matter throughly, or occasion you to fay any thing that has not some weight in it. Apr words and quaint Phrases are very good adornments of Speech, yet they are not so necessary, as that for want of them a Man of good understanding ought to be filent. For deep and weighty Notions, though delivered in a very rough stile, will touch the reason, and convince the understanding, many degrees beyond light and frothy thoughts, though drest up in the best Language imaginable: For Sense is beyond words, as much as the Substance exceeds the shadow. And certain it is, that you will in speaking gain applause by good Sense, rather than by the finest Words and Phrases. It's Sense that pleases the Wife and Men of Judgment, and Words and Phrases without Sense Tickle the Ears of insipid people.

In private Conversation remember these things. Be the discourse merry or serious, let what you say be rather good, and to the purpose, than much: For he that talks a great deal, does rather expose himself, than divertor oblige the Compa-

ny. A Man is feldom accounted a Fool for speaking too little, but is too often so esteemed for speaking too much, because in the multitude of

words there will not want folly.

In the next place, let neither your behaviour or discourse be formal or starcht, for a tincture of that in either takes off the pleasure which the World does generally propose and expect in Conversation: For as this does at first proceed from affectation, so it will always appear to be such, and any thing that is forced or constrained in company is never welcome. He that affects an over grave behaviour, or set way of speaking, does it rather to admire himself, than to please others; and whatever satisfaction they may take in it themselves, yet it tends to no other end than to render them ridiculous to every Company they come into.

Promote the Discourse you find is most agreeable to the Company, if it be not against your Opinion; but say not any thing that may savour either of Fear or Flattery: For he that does so, must at one time or other say contrary things, which is very mean and contemptible; yet say not any thing that unnecessarily may disoblige any of the Company, unless you seek for an occasion to affront that person. If any thing be said that disobliges you, and the affront be such that for the present you cannot command your self, withdraw and dispute it in another place; for by this you will shew more breeding and courage, than if you gave the Company more disturbance about it.

As you ought not to be over-referred to any, fo you must not behave your self alike to every

3 Company;

Company; but accordingly as you esteem or value any, fo should you be more easie or referved.

Though we ought to have fervent Charity, yet it does not forbid us to look warily about us: And therefore be not too hasty in believing that this or that is an honest Man: For as for one bad action you ought not to conclude that man to be a Knave, so for doing two or three good things, without other evidence or proof, you ought not too confidently to depend upon his integrity. And in all Treaties and bargaining, especially of moment, believe you have to do with a Knave: For every Man pretends to be honest, though few are fuch. Now as no honest Man will blame you for your cautious proceedings, fo you fecure your felf against the advantage that Knaves would make by your lying at a more

open Guard.

Let not any thing of Pride appear in you, either towards your Equals or Inferiours. A little Pride loofes a Man a great deal of esteem : For nothing is more despised by every body than a proud Man, and no body values him but himself; and what he aims at by his haughty and stately behaviour he thereby loses, that is, respect: Whereas an humble friendly deportment wins strangely upon all forts of people; the pulling off your Hatt may fometimes gain you the heart of that Person you took notice of. And though you reap no advantage by it, yet what great pains is it to move your hand to your Hat. And remember, that the most poor and miserable object is your fellow Creature, only you are placed a degree or two higher than he; yet if God had seen it good, you

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and that fad object might have changed places. So that hence arises great occasion of thankfulness

to God, but not the least of Pride.

Do not too easily credit any thing that is told you to the disadvantage of another, especially where you are to cenfure or judge it, or your belief may do him prejudice: For as it is a transgreffion of that equal Law of doing as you would be done by; fo it is manifestly unjust, because you judge that Person without hearing him. And befide, when a man is prepoffest, he will have much adoe to judge righteoufly; for if a gift does blind the Eyes, much more will prepoffession or prejudice lead us aside in judgment. Nature has given us two Ears, which is a plain intimation that we must hear both sides together, and at the same time; for no man can judge rightly, if he don't hear both fides together, and come to hear the cause without prejudice or preingagement.

He that speaks ill of another behind his back, does it either because he has no good will to that Person, or because he supposes that you have not, therefore neither he nor his Errand should be welcome to you: For as we ought not to speak ill either of the dead or absent, so neither ought we to take pleasure in hearing that which is to the

difadvantage of either.

Tale-bearers are a Weed that grow in every Soil, and where they meet with the least incouragement, draw all the nourishment to themselves, and starve all about them. If you love your quiet, give them no fort of countenance; for they are a Disease, that having laid hold of any Person, never leaves him till it has neither lest him at peace with any one, nor even himself.

111

In the private Affairs of your Family, be fure that your Expences be less rather, than that they do exceed your income; for there are unforeseen accidents that will find you occasion enough for all that you can conveniently and with decency spare or lay up. If after some time of tryal you find that your Estate will bear more, you may mend your rate of living, when you cannot abate: For as you will find it very difficult to come down in your way of living, fo you can scarcely avoid reproach in doing it. Some indeed may be of opinion, that they ought to be govern'd in the rule of their living by what others do of their Estate and Quality, and not by what they have, although those they would imitate do out-live their Fortunes: But as every Man knows his own Condition better than the World can, to it is much more prudent and commendable for a Man to cut his Coat according to his Cloath, than to follow another that is out of the way, or to keep pace with a Man that is out of his Wits: And he that out-lives his Fortune because another man does so, will find that the World will rather laugh him to fcorn for his folly, than require any fuch thing at his hands.

He that prodigally spends his Estate, will have many to help him forward, and but sew that will commend him for it; and when it is gone, will have many to despise and contemn him, and but sew that will pity or relieve him: And as Extravagancy is an Errour on the one hand, so is being Niggardly on the other. When a Man has not a heart in some measure to enjoy what he possesses, his abundance becomes a curse to him, and Riches are given him to his hurt. And no Man is so poor,

as he that dares not use some proportion of what he has, and all this scraping is only to lay up for some Spendthrift; for usually the next that comes throws it away as fast as the other got it. And I can scarcely determine, whether it is a higher point of discretion for a Man rightly to proportion and measure his Expences, or else of folly extra-

vagantly to fquander away his Fortune.

Good House-keeping is a thing that is highly praise-worthy, and the way to have yours to effeemed, is to let your provisions consist rather in sufficiency of that which is whossome, than in little curiously dress'd dishes, which won't suffice to fill your Servants belies when you have done, and consequently the poor must be sent railing and cursing from your gates; for beside the pleasing your own appetite, all that you can propose to your self by it, is to have an impudent resort, and the hollow hearted complements of those who by nice feeding have so depraved their appetites that they cannot relish any thing that has its natural taste.

To have your meat well drest does well, for there is not much difference betwixt a wilful stroy, and to have a great deal of meat spoiled in the dressing: And therefore let not the want of a tolerable Cook give occasion to have the proverb repeated, that God sends meat and the Devil Cooks. To pinch your Servants bellies to make entertainments, is a piece of grinning honour; whether it be a Servant or Beast, if their food be scanty, they will labour accordingly: And without question a Master is as much obliged to give his Servants their meat, and sufficient of it in due season, as the Servant is to do his Master good and faithful service. If the Israelizes were obliged to leave the gleanings

of their fields for the poor and strangers, there lyes no less obligation upon us, according to our abilities, to make such provision that the poor may not be sent empty away from our doors. Now as the reproach of it will deter you from being close handed with your meat and drink, so what you will be the better at the years end will give no great encouragement to such fort of frugality: for when the reckoning comes to be cast up, there will be found very little difference betwixt a niggardly and competent way; for when Servants are pincht, they will be filching, and making all the stroy they can; and where they have sufficient, they will save what they can, and prevent your loss by others

as much as in them lyes.

Let not your Servants be over-familiar or haile fellow with you, neither keep them at too great a distance from you: for by allowing them too much familiarity they will quickly despise and neglect you, and confequently grow fawcy and careleis, thinking that you are more obliged to them, than they are to you; they will expose you wherever you are, and at last be fit neither to serve you nor any one elie. And on the other fide, by keeping too ftrict and aweful a hand over them, will produce no less ill effects: for it does so discourage them, that it altogether chills that respect and affection that a Servant usually bears to his Master; and then all their duty will be turned into eye-fervice, taking no other care, than how to get their work done at any rate, being not further concerned what becomes of it, or whether their Master and his affairs do fink or fwim; and if it lye in their way, will be as equally inclined to do him an ill as a good turn.

Now by going the middle way, the inconveniences of both extreams are avoided. For by looking upon your Servants with a pleafant countenance, and speaking kindly, and sometimes familiarly to them, and living with them eafily and freely, you incourage them in their Duty, and gain upon their affection and esteem, and make them as diligent and careful in your business, as if it were their own, and be as well pleafed when it is well done as you your felf can be: For they will look upon themselves to be interested and concerned in every thing that happens or belongs to you, and in perilous times will run any hazard to keep you out of danger; and the times cannot be fo peaceable, nor any Perfon in to fecure a condition, but before he dyes he may stand in need of the fidelity of his Servants.

Look not too narrowly into the leffer faults of your Servants, and don't take notice of every finall errour; for that will only tend to render both you and they uneasie. If any thing happen purely by accident, and not through negligence, be not angry, but calmly admonish them to be more circumfpect for the future. If you have occasion to reprove any Servant, let it at first be in private, and calmly without passion, and as far as you can to convince him of his Sin: If after this he commits the like offence, reprove him more sharply; and if he gives you further occasion, then reprove him before the whole Family, for perhaps shame may work upon him when all other methods will prove ineffectual, and it may be prevent the like in fome others of your Family. But how far you will fuffer them before you turn them away, must be left to your own discretion;

though for my own part I would bear a great deal before I would turn away a Servant; for to change them often, is neither profitable nor commendable; for the World is too apt to believe that the fault is rather in the Master, than the Servant, when they

change their Servants oft en.

In the management of your business, do not depend too much upon the honesty of any, and be as much in it your self as you can: For no Man is too great or good to look after his Affairs, and he that in some measure does not, it is an argument either of his ignorance or folly; by either of which he must suffer, as well in the opinion of the World, as in his Fortune. And remember the old adage, That the Masters eye makes the Horse fat, which is as much as to say, that his inspection makes his Servants to add to their diligence: They that are faithful, it will incourage them, because you your self can bear witness to their indeavours; and those that are more remiss, there is the greater occasion to observe them.

In the management of your Estate take these Directions along with you. In the letting of your Demeans or other Farms, it being supposed you will get the best Rent you can, it seems advisable to let them for Twenty One Years, and as often as you can to take a Fine of about a Years value, and then the Yearly Rent to abate proportionably to what the Fine and Interest of it will amount to at the end of the Term: For as by this you can be no looser if your Rent be duely paid; so it is the most probable way to have it well paid, in regard that if your Tenant be behind with his Rent, if it be not above a Year, this Fine will set you right. In the next place, the payment of the Fine is a

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strong argument of the Ability of your Farmer; and besides, a Rent that is less than the full worth of the Farm is better paid, than when it is at the utmost value. And farthermore by paying of a lesser Rent, Farmers are incouraged to make improvements, whereby your Rent is not only better secured, but also at the expiration of their Lease the Farm is better for it.

In the next place, tye your Farmers to Repairs, for they will do that for Six pence, which they will

fet down to you at Eighteen Pence.

And because plowing is the destruction of most Farms, bind out your Farmer from plowing either Meadow or any other ground that is not proper to be broke up. In the next place, let at least one half of the rest of the ground be imployed only in Pasture. Then oblige him to muck or manure at least a third part as much as he plows every Year; and if he break up any ground that he has already muckt, then for the remainder of his Term that he muck every Year fuch ground as he has already broken up; and by this means your Farm will be as good a pennyworth at the end of the Term, as when he took it. Besides these general Rules, I can prescribe you none, fave to take good fecurity for the performance of his Covenants, and to appoint some person to see whether he fail in any of them.

As for fuch part of your Estate as is upon Leases for Lives or Years, my Opinion is, that if all of it were for Leases of Twenty One Years, it would be best both for Tenant and Landlord. First, Because it would put the Tenants upon some fort of Industry, which is too much neglected by such as have Leases for Lives. And 2. Because the Land-

lord

lord would then be at a certainty, and accordingly he knew how to dispose his Affairs. Therefore if you renew such Leases as are upon Years, let it be again for Years; and if you lease any that fall out of Lease, let them also be for Twenty One Years.

Then as to renewing Leafes for Lives; If one Life is to be added to Two yet remaining, take Two years value to do it, unless one or both of the remaining Lives be very Aged or Infirm, for then you may expect half, or a Years value more, as the case may fall out. If but one Life remain, and two more are to be added to it, then take five Years value, unless extream Age and Infirmity alter the case: For the changing of a Life take one Years value, unless the aforesaid Objections lye in the way: But never change any Life fave where there are three Lives in the Leafe, neither add one Life when one only remains, unless upon an extraordinary confideration. Now as to the value of a Tenement, my intention is what it is worth when your old Rent and Services are dedu-Cted; for if those be not abated out of the value, you make your Tenants pay for what they have not; And 2. Your Treatment of them would be unequal, because some are much higher rented than others, and an equal hand gives great content to Tenants.

Tenants may well afford to give these Rates, and grow Rich by their Landlord, because they are under the worth of what they would take of a Stranger. And if the Tenants will keep their Leases full, Landlords may afford to take these Rates, though under the true value. And that you may as well feel the real advantage, as have

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the Reputation of such an Estate as I hope by Gods Blessing to leave you; if any Tenement sall out of Lease, let it for the best improved Rent you can get: For as it happened through the negligence or perverseness of the Tenant that the Tenement sell out of Lease; so neither Conscience, Law, nor Equity can compel you to dispose of it any other way than to you shall seem best: And without some such hank as this, you will find your Tenants will never be prevailed upon to renew their Leases, but when their own convenience or necessity invites or compells them to it, although your Affairs are never so pressing for Money.

Children are at first a blank paper, upon which you may write what you will; and therefore great care is to be taken of the first Impression that is made upon them: For it is seldom seen but that much of it remains with them to their dying day; and Solomon is of this Opinion, for he says, Train up a Child in the way wherein he should go, and he will not forget it when he is old. Therefore take care to possess them early with the sear of God, and a sense of Religion: For if they are void of that, they will prove no better than pricks in your eyes, and thorns in your sides, and consequently bring down your gray hairs (if you attain to such an Age) with forrow to the Grave.

Let their Education be fuitable to their Quality, and what your Estate will bear, for thereby they may become a Comfort to you, and useful to others; and especially your Sons, in whom (if it be not for want of understanding) the Publick claims a great Interest, by reason of their Quality and

fortune.

When



When the ordinary Schools have gone as far with them as they can, then either take a Tutour into your House, or send them to Travel, to be polish't; but by no means send them to the University, unless you intend them for Divines or Physicians: For as it is great odds they will become debaucht, so all that they get there is a deal of Pedantick Learning, which is of no use to the Publick, and yet by means of it they grow strangely consident, and impertinent and troublesome in all places, and obstinately opinionative, though never so much in the wrong.

Children are to be governed neither wholly by Love, nor altogether by Fear; for by a right temperature of both you may lead them which way you will. To be easie and familiar with them, winns upon and confirms their affection and duty, and to treat them with too much awe, and at too great a distance, is to lose a great deal of the pleasure and satisfaction that is to be had in Children; and yet care is to be taken, that before

Company they may know their distance.

Give them liberty enough for Recreations, yet not so as to neglect their Studies: For as too much Liberty will occasion them to mind nothing but Idleness, so too great a restraint will only prepare them to exceed all manner of bounds when they are their own Masters.

Though it is Natural, as well as our Duty, to love our Children; yet it will behove you to be watchful over your selves, lest by being overdoating or fond you forget to order and govern them as is meet. And it's not easie to determine, whether such a doting fondness, or the want of Children is the greater unhappiness. If we could

believer

believe and remember, that we have no faster a hold of all that we posses, but as lent us for an uncertain time, we should use them more moderately, and consequently part with them more easily, whenever it pleases God to call for any thing we have.

Every Man that has several Children, loves one more than another; and if God shall bless you with many, take good heed that they may not discover the partiality of your affection, for the consequence of it will be fatal both to you and them.

To provide convenient Matches for your Daughters if you can, is without doubt your Duty, as also to give them good Portions, but not fuch as will make your eldest Son uneasie, for that is to give them more than comes to their Share; and if you do it out of a prospect of advantage that may thereby accrue to your Family; yet if it be not certain, but only in probability, it is not adviseable to do it: For your Daughter may forget the Stock from whence the fprang, and keep all to her felf; or her Husband upon Tryal may not like her, and fo value her Family accordingly; or if he thinks you matcht her to him in hopes to make advantage by him, it will be natural for him to make it his business to disappoint you. Now whether it be for these or any other reasons, I know not; but I have observed, that giving a Daughter an extraordinary Portion out of that defign, has hurt many more Families than it has advantaged.

In the matching of any of your sons, but especially your eldest, neither force, nor too much flatter him into the likeing of any, to whom his

own

own Inclinations don't in some measure prompt him: For an Errour in this is like one in the first concoction, which can never be repaired: For if there be any dislike in the Persons, or their affections otherwise ingaged before they are married, though their discretion may make them to carry fair to each other, yet it has been seldom seen that afterwards there was any warmth of affection between them.

A great Fortune is welcome to every Family; but he that only regards the plenty of Fortune, without confidering the Woman, it is odds, but he is out in his reckoning: For if the be not a Woman of competent discretion, he will fall short in his account: In regard that if she be highly born, the will expect, and her Husband must have no quiet, unless the be maintained according to her Quality, and the Fortune she brought. If she is of mean l'arentage, yet her Wealth will make her to forget what the was, and efteem her felf according to her Portion and the Quality of her Husband, and as fuch fine will expect to live: For being once on Horfe-back, she will not know when it is time to alight, and so by her expencefulnels leave her Husband no better than the found him. if not worse. And therefore a Woman of a middle birth, that is a Fortune is the most Eligible: For as her Birth will give no allay to your Blood, fo in probability she will more easily be perswaded to a competent way of living, and verifie the true old Adage, That you are not fo much to regard what a Wife brings, as what the will fave.

The best way of providing Annuities for your Younger Sons, is by letting of Tenements run out of Lease, which will not only be an ease, but

vantage to your Eldest: For as by this you will not narrow his present Revenue, so in such Tenements there will be but one Life; whereas there might probably have been two or three Lives apiece in them, had you renewed them as you did other Tenements.

Thus, my dear Children I have finished these my Instructions, which I have been able to write out of my own experience, and for that reason ought not to be slighted by you. I hope you will live long enough, not only to practice, but also to improve them; yet not by my dear bought experience, who have been a Man of trouble from my Childhood. Now whether it shall be by Gods Blessing upon these or any other Advice, may you get through this troublesome World with Peace, and when you dye be received into Abraham's Bosom, So prays

Your Dearly Affectionage Father

Delamer.

Dunham

September 20th. 1688.

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## ESSAY

UP ON

## GOVERNMENT.

Wisdom, than the many reople and Languages that inhabit the Universe are an evidence of his Power, for had there been but one fort of Government in the World, the Wisdom of God had not therein been so manifest, since he that knows every road to such a place, must be allowed to be so much more knowing in that particular, than he that is only acquainted with one of those ways.

when feriously consider'd: And the most admirable part of it, is to observe, that the whole conduct of that Affair is guided not by express Rules and Methods immediately by him delivered to the several People and Nations; but they are instructed by the instinct of Nature to choose that which is most conducible to support their several Constitutions: Except in such Cases when God in Judgment to a People hides from their eyes the things that belong to their peace:

Compare this Constitution in its proper Lineaments with other Governments, and this conclu-

fion will follow that we are the happiest people under the Sun, for when our breaches are repair'd, then may that of Deuteronomy the 4th. be truely faid of us. What Nation is there to great that hath Statutes and Judgments fo righteous; for this Government has as it were extracted the good of all other constitutions, having avoided the two Extreams of Tyranny and an unbounded Liberty, no Government under the fun being fo exact a piece of Symetry having fo equally poized the prerogative and property that they are mutually affiftant of each other, whereby the administration is renderd fo very easie, he who sits at the helm having nothing more to do to make himfelf the happyest Prince in the World, than to maintain a good understanding betwixt himself and his People; and when that is wanting England is like a Ship that has lost her Rudder. This Correspondence is seldombroak, but by things that do apparently portend, an utter eradication of our Antient Land-Marks: As when through inadvertency or defignedly any of our Neighbours are fuffer'd to grow bigger than is confiftent with the ballance of Christendom; though the effects of it are not foon felt, nor early foreseen but by discerning People: Yet the Nation has always declined to give any affiftance in it, because they had no prospect of any advantage that would fall to their share; and in a little time it has given great cause of discontent, because they saw it did manifestly tend to break the ballance of the Government, and could be of no other use, than to serve the defigns of a Prince who is defirous of Arbitrary Rule. But the diffatisfactions betwixt the King and the People, do not fo usually proceed from this as from

from fome other occasions, and more obvious at first fight. As when Parliaments are not tuffer d to meet and fit according to the usual times that the Law or necessity of Affairs do require: For the Government cannot long continue well when Parliaments are neglected, which is the only Phyfick to purge out those Peccant Humours, that are contracted by time or accident; and is as neceffary to the well-being of it, as the Means usual. ly made use of to preferve the good Estate of a Natural Body: And the difuse of Parliaments can no more be justified; than to have recourse to Force and Violence, when right may more eafily and certainly be had by the usual methods of Law: Parliaments are the Medium, whereby the King is represented to the People in a true Light, and if it is wanting, it is no wonder, if he appear to them in a posture of Offence, rather than of Defence: For when Parliaments are difcontinued that mutual Complacency is loft, which otherwise the constitution of the Government does naturally produce betwixt King and People. Changes feldom happen for the better, and therefore the People will not be much delighted with the discontinuance of Parliaments, because a more mild and equal way of governing has not yet been found out than what is prescribed by Magna Charta; and though in this Change of Government the advantage should fall on the Peoples side, yet they may suspect that there is Death in the Pot, till it has proved it felf by its effects, because by how much the advantage is on their part, by fo much must the Kings Inches be pared; and a defire to advance rather than restrain their Power, is an Infirmity to which Kings as well as other . Men

Men are subject: And those Arbitrary Symptoms which ever do precede the laying afide of Parliaments are no less than so many demonstrations, that it must end in a Despotick Fower. For there are feveral things which are only Cognizable in Parliament, and then this Dilemma will follow either that there must be a failer in Justice, or if any other Court or Authority do hold Jurisdiction of them, the whole proceeding would be Arbitrary, As for Example, The giving of Money, the Repeal of Old Laws, or Enacting of new Statutes, and the last refort of Justice in Case of Appeals or Impeachments; for should those or any of them be treated of but in Parliament the Government would thereby become intirely Defpotick.

When a King attempts to find out a new way of governing, its an undeniable Argument that he is weary of the Old one; and that King of England who is uneasie with the Ancient way of governing will never be pleased with any, but what gives up all into his hands. When any King of England has try'd the Experiment he has found in the Issue, that he had better to have let it alone: For whenever he has Wrestled with the People, has in the Conclusion got the fall, and often been cru-

fhed by it.

Then next to this like a younger Brother of the fame ill Family, and bears the second ill Character to the laying aside of Parliaments, is when the Privy Council is turned into a Cabinet, the former being only kept up for a shew, and to give a Reputation to the Advices and Proceedings of the latter. A Cabinet Council may at first seem but a small Evil, yet it conceives and brings forth many Ugly Confequences:

fequences: For it is ever the fore-runner of the neglest of Parliaments, which thing alone is furn. cient to give the People an utter dislike of it. And besides the King does hereby forbid all others but those of the Cabinet either to come near him. or give him any Advice : For what incouragement has any other of the Privy Council to offer their Sence, considering that if it does not jump with that of the Cabinet, their Advice shall not only be rejected, but every thing that fell from them will be improved as much as it can bear to their disadvantage; and therefore in a short time they will as much undervalue the Attendance at the Council-Loard, as the King does their Advice, unless they are more fond of the bare Name of a Privy Councillor, than they are of their Reputation; for what greater flight can be put upon Men of Sense and Honour, than to be used only as a Foil to fet off the Transactions of other Persons not so deferving and worthy as themselves.

A Cabinet Council keeps the King in the dark, he can hear but one fide, and that the wrong one too, for honest Men seldom come there, for if any such thing be proposed unto them, unless they are less Wise than Honest, Their Answer will be, That in the multitude of Councillors is the King's safety: When a King has entered a Cabinet Council, he'll hardly come out the same Man, his very Nature and Disposition will be changed by the constant Converse and Insinuations of those that he calls into that place, and so of a hopeful Successor may become a very indifferent King. So great is the force

of frequent and private Conversation.

He was a Wife Man, who faid, That in governing the way as well as the end, ought to be clear. From whence no Argument can be rais'd for a Cabinet Council; the methods of that being obfoure and uncertain, and in no fort confiftent with the honest and plain way of this or any other popular Government, for reason of State is not found in our Law Books or Statutes, and the Arcana imperii mentioned by fuch as write of the Politicks are adapted for Governments where will rather than any known and certain Law is the measure of it; for though the King of England may be never so well appized in the use of them, yet he is never fo much out of his way as when he puts that knowledge into practice, and therefore plain and open Councils are the least suspected, best understood and approved; an honest man after he has told his Story, is not afraid to let any man else be heard, what he fays is like true Mettal that will abide the touch. Whereas the Advice of Knaves, like Thieves or Beafts of Prey lurks in holes, and shrouds it self under the Darkness; is afraid to come near the Light because it will not indure the And there is this further difference betwixt open and private advice, for the former feldom fails, and the latter as feldom meets with fuccefs.

This close way of giving and taking advice is ever attended with the Kings retiring from the fight of his People; being seldom seen, and more difficult to be spoke with: For it is the Policy of such as have him in their hands, to keep him as much as they can within their own Circle, because it s the surest way to maintain the ground they have got, and to gain what they want: But when a King thus hides himself, it is because he is either ashamed



afnamed or afraid to be feen; and when he is fhy of being feen; the People in a short time will as little value the fight of him, as he is willing to expose himself to view : To be quick of dispatch and easie of access is the Character of a right States-Man, and no Prince ever loft ground by practifing it himself, for the contrary Method ruines Friendthip amongst private Persons, and a King will quickly find the ill Effects of it : It may be ob. jected that familiarity breeds contempt; but that King is very ill skilled in Mediums, who is ignorant of the time and manner of receiving his Subiects. So as to dismiss them from his presence with content and fatisfaction, without loofing that due distance that ought to be kept betwixt him and them: And the lowest condescentions and meanest familiarity cannot loofe a Prince fo much as too much retiredness, or being over-referved. And this retiredness, like . Twins born together, is usually attended with such a slowness in every thing that half the Effect is loft before they are put in Execution. As in bestowing Imployments or other Favours, the Party does for the most part attend fo long, till thereby the thing receives fo great an allay, and comes with fo ill a Grace, that half the obligation is lost before it is given. And the delatoriness in all other Matters looses much of the advantage that might have been had by a quicker dispatch, and often creates a necessity to fupply by a fecond Act what was loft by the delay in the first, and though at last the point may be gain'd, yet being forc't to do that at twice which might have bin done at once, is no great reputation to fuch Methods. Difpatch being the life of Execution as steddiness is of Council: And this flow

flow progress is almost unavoidable; for these Perfons who have hemmed the King in, will not loose the advantage that is to be had in disposing of Imployments; they will keep the Candidates as long as they can in suspence to see who will bid highest, whereas a greater dispatch in the disposing of them would be the loss of several Visions of Angels, which else they may hope to see, and much more haste cannot well be expected in other things, by reason that the proceedings are in a new way, more uncertain and round about, and so very much depending upon every step. Its no wonder if there be so much Caution and Jealousse as to make the resolutions and execution far slower, than if they

had been managed in the Old Track.

What has bin faid does not argue against a due Care and Circumspection, so as not to prevent all precipitancy, rashness, or indiscreet haste, and yet the Caution, that goes further than fo, is needlefs, and that which turns to the prejudice of it, is in no fort to be justified: And though by an unusual flowness a point may have bin gain'd, yet there is no more reason for the future to take that Method in other Cases, than to make use of a desperate remedy in all Cases, because it once had good succefs, and there is as little reason to observe the fame Rules and Methods in all Governments, for that Prince who does fo, it argues his infufficiency to govern. But the most fatal consequence of a Cabinet Council is, that in a short time it disposes the King to be weary and uneasie with Men of Interest and Desert, their Room being more welcome to him than their Company, and. then he lays hold on every occasion to put slights upon them, and to shuffle them out of their Imployments



ployments for his Appetite being depraved by those of the Cabinet, he cannot rellish, those wholesome Advicee which the others think they are bound in duty to offer him; but when the King makes himfelf strange to such Men, the People won't believe that he has any good meaning to them: They may suspect that their Properties are in danger, when those that have bin the great Defenders of them are in no credit with him: No Man ever got the good Opinion of the Nation, till by the whole Course of his Actions he had made it evident, that he preserved the Publick good to his own private Advantage; and therefore if the King does account the Publick Good and his Interest to be the fame thing, who ought he then fo much to esteem as those who are in the good liking of the Nation, who ought he fo much to incourage, or on whom fo much to depend as they: For their Advice will be faithful, and he may be fure as none are fo able to ferve him as they, fo none will be more ready and forward: When he imploys none but fuch as these, and values every Man according to the rate that the Nation fets upon him; he then at once bows the hearts of all the People, as one Man; and thereby becomes as fafe and great, both at home and abroad, as the Wisdom, Blood and Treasure of the Land can make him; it makes every Man believe that it is more his Interest to preserve the Kings Life, than to secure his own, and that it is his duty to make the King easie in every respect, rather than to increase the Wealth and Prosperity of his own Family; that which used to be so tedious and uneasie to other Kings, will be laid upon the shoulders of the whole Nation, for every Man will make it his business that

no detriment shall befal the Kings Affairs; Informations for Libels and Reflections upon the Government will then be useles, for neither his Name nor Administration, will never be mention'd but with all respect and beseeming expresfions, and those hours which those at Court used to spend in undermining each other, will be wholly imploy'd in his Service, and in fhort he may be gratified in every thing that his heart can desire : But if he lay such Men aside, then as Naturally as Corruption fuceeds Death, their rooms must be supply'd by others, who have neither interest, Principle, nor Morality, but are Compounded of Knave and Fool, the very Scum of the Land, and will do any thing without asking a question, provided they be well paid, and the refult of all their Advice will be to estrange his Heart from his People: But when the Nation shall perceive him to be thus encompassed, they will not be to prone to trust him as to observe his proceedings; for under fuch Circumstances his aspect must be very Malevolent, what good can be hoped for, when he accounts them the fittest to serve him, and the properest object of his favour, whom the People may jufly repute their Enemies; but well may they be alarum'd, when fuch are imploy'd as were obnoxious in the time of his Predecessor; for it's a certain argument either of the unskilfulnels or foulnels of a Gamester, when he defires to play with marked Cards, fo necessary it is for Kings to consider well who they imploy, because the People Judge of the King according to the Complexion of those that are about him. therefore did H. IV. upon an address of the Commons remove feveral Persons that he was very tender of faying he did it not that he could accuse them

them of any thing, but because the People had an ill Opinion of them, for he knew that they were competent Judges in the case. And as Politick was it of H. VIII. to give up Empfon and Dudley to Juflice, who might have done as much for him as they had done for his Father, but he confidered that to part with the hearts of the People for all the Wealth they could procure him would be a very ill bargain, for he understood he might command all that was his Subjects, fo long as he and they were upon good terms, and that King is not much disposed to be well with his People; when he is fond of a few Men, who cannot pretend to any great merit, But when the King shall once in good earnest take Men of dependance by the hand, he'll quickly find himself alone with them : For all Men of worth and honour will of their own accord be as forward to quit their Imployments, as he is willing to put them out; because the tendernels that they have for their reputations will not allow them to mingle with worfer men than themfelves, and the rather because it would give countenance to the irregular and disobliging Methods which may be advised to by the other fort of men: And for this they will not be the worle thought on by their Country, but like Gold tentimes purified; they return home with all the advantage that can be, and those who honoured them before, will then fall down and worship them; no Man ever has lost the efteem he had got with the People; for being turn'd out at Court, it being a great mistake that any Man will be leffen'd in the Opinion of the Nation by being turn'd out of his Imployment either because he gave bold Advice, or would not comply against his Judgment, or else

by quitting of his place rather than by staying to give a countenance to other Mens proceedings, for in fuch Cases the King suffers more in the good Opinion of the People than the Person whom he difmifs d from his Service; and in what a miferable condition is that King who has loft the hearts of his People, for nothing on Earth can repair it or be an equivalent; and how shall he recover their affections, when honest Men are fled from him, and none are left near him but fuch as whose interest it is to keep him at a distance from his People: And though he may return to a right mind, and pretend and promise never so fair, yet the Nation and every honest and wife Man will be Jealous, that every advance he makes is only a Masque or Disguise that he puts on, and not that his heart is right in the matter.

Now when ill Men are imploy'd and advanced as well as others; The pretence is either because of their great abilities or usefulness, or else that in point of Policy it is convenient to make use of all men without distinction; for this indulgence will allay heats, and put an end to differences, and unite all into the same interest, whereas if any are lest out, they are thereby cut off from the Common Interest, and only those fort of Men can be depended on, who are thus favoured and imploy'd: This will not bear so much weight as artisest.

fight it feems to carry.

Ability or fitness is the first step to preferment, and that is a happy Government that considers it in Persons before they are imploy'd, but let Men be never so able, yet if they are desective in integrity, the unum necessarium is wanting, for a Man of Ability without Honesty is like a Ship with-

out ballast, he cannot move steddily, every little wind of advantage carries him to and fro, backwards and forwards, and he never flicks at any point longer than he can ferve himself by it : If there can ever be a necessity of making use of an ill Man, it must be because his knowledge transcends the rest of Mankind, or else because another wife Man cannot be found; but England was never yet to barren of able men, that there was a necessity of imploying Knaves or Men obnoxious; when ever the Nation falls under fuch Circumstances it is then vifited with a fore Judgment: To make use of Knaves is ever a remedy worse than the Disease; feldom any good, but frequently a great deal of mifchief enfues upon it, and the Ability of any Person if he be a Knave is rather an Argument to avoid than imploy him; because by how much the more able he is, by so much is he capable of doing the greater mischief: To allay hears and animolities, to put an end to future differences, and to unite all Parties, is an excellent defign, and a great happyness if it could be effected : But withall care is to be taken that whilest one storm is laying, a greater is not thereby raifed, and whitest in the conjuring down of one Devil, it does not raise two, and in the making up of Divisions worfer are created thereby; and by gaining one Enemy Twenty Friends are loft, and nothing feems to lead to directly to it, as equally and without diftin-Ction to imploy men of all forts and Opinions, and there is another Method that will give let's cause of discontent to any Party: For it will be agreed That to pardon a Criminal is as great an act of goodheis, as to reward the good Service of another Person! If all have equal Right, and speedy **Juffice** 

Justice impartially be done to every Man, this must be confessed to be a Righteous Government, and if it be not too extream to mark what is done amis, nor too ftrickt to measure every Offender a Peck out of his own Sack, nor too rigidly to judge every Man according to his own Law, this must be allow'd to be a merciful Government, and if at the same time the King bestows his favours and imployments only on fuch as best deserve them; where is the injustice or partiality of this proceeding, or who can justly take offence at any part of it? And therefore when a King does equally and without diffinction beltow his Favours and Imployments on all Interests and Parties, there ought to be three things in the case; First, That all Parties are equal. Secondly, That he cannot depend upon one more than another. That his Obligations to all Parties are equal: Every one of which is very strange when it is so, but much more wonderful will it be when they all happen together.

For as to the first, It is not easie to imagine that all Parties will ever be so equal, so as that no one will be bigger than any of the rest, no more than it can be supposed that all Men will ever have an equal measure of understanding; uninterrupted experience proves that it never was so, and there is nothing to induce us to believe that it ever will be so: For so long as there are either Fools or Knaves, there will be difference in the size and strength of Parties, and there will be Fools and Knaves

till Christs Kingdom comes.

a very extraordinary juncture, whenever it happens that the King cannot depend upon one Party

more than upon another, fince the reason of it will be this, because the Principles of every party will be equally dangerous or advantagious to the King, or equally different or agreeable to his, this is a remote supposition, and cannot be expected on this fide the Grave, and therefore it will follow, that he cannot have a like confidence of all Parties, but must depend upon some more than upon others, and this dependance will naturally fix it felf, either on them whose Principle it is to support the common good, or else on such as are more disposed to comply with his Will and Pleafure: For Principle the great Director of all Mans Actions, and every Man is either better or worse esteemed according to the Opinion that the World has of his Principles: In the worst and most corrupt of times, there has not wanted fuch as have been more folicitous about the well-fair of their Country, than for themselves, and if a King does not so much depend upon those that by the current of their Actions have made it evident, they prefer the Publick Good to their own private Advantage, as upon some other fort of Men, it's as clear as the Sun that he aims at fomething beside the Publick Weal, or else that God has a quarrel to him, and will not let him fee his Interest. For what greater pledge can be given of a Mans Integrity, than when voluntarily, and without Compulsion he dedicates himself, and all that he has to the Publick fervice, any other fecurity being inconfiderable in comparison of it : And therefore when a King knows fuch Men, and yet imploys others rather than they, it's a clear Demonstration that his Defigns and Affections are alienated from the

good of his People, and the Land is then in as ill

a condition as when their King is a Child.

Asto the third it will be no less extraordinary to fee the King under equal Obligations to all Parties, for it can only be for this reason, because every Party shall have approved themselves equally serviceable or useles, faithful or negligent, fleddy or inconstant, to him, which would be very wonderful, though he dropt out of the Skies, because there are so very many occasions in which a King needs the fervice of his People, that if one Party acquir themselves better than others, he will in a little time find who deferves best, and it will. be so plain and obvious that he must see it, unless he be very unfortunate: And till all Men have the fame Complexion, are of the fame Stature and proportion of Body and Temper of Mind, there will be distinctions of Men and Parties; and therefore it will be the most remarkable thing that ever happen'd, that not withstanding their differences in other matters, yet they should all concur to have the same Principle and Inclination to the King and Government. But that Prince is very unfortunate, who cannot depend upon one Party more than another, nor has obligations to one more than another, fince it is an ill effect of a bad cause: For the reason wherefore he cannot depend upon one more than another, is because he has used and treated all alike: And this Method as it will never make his Enemies to become his Friends, fo in a short time it will make his Friends so cold and indifferent towards him, that they will ferve him at the rate that others do, and hereby his Obligations won't be greater to one more than to another. So the Service that is done him will not be the effect E 2

effect of Duty and Affection, but only according to the rate that he pays thein. But when a King cannot depend upon one more than another, and is under equal obligations to all the most usual and truest reason of all is, because he has so far disoblig'd all Parties that he has more cause to be afraid of than to trust any of them; therefore till Men are of the fame mind in every thing elfe; it cannot be expected that these things, or any of them can ever happen: If then should a King act as if they were, and the Case prove to be otherwise, the consequence of it, would be fatal to him: For though it may be objected, that by a distribution of his favours and imployments equally on all Parties, he thereby gives incouragement to all to stand by him, and makes none desperate, yet on the other hand, he thereby makes every Party Jealous of him, and none to trust him: For when he inlarges his hand to any Party, it is to the regret and envy of the rest that were not then also confider'd, which he cannot repair but by conferring greater things on them, and then this turns to the diffatisfaction of the other Party as much as if nothing had been done for them. So that thence it will follow, that when ever his bounty moves, every one must have a share, for if any Party is omitted, he will lose more on one hand than he gains on the other; and what Prince ever found that his bounty turn'd to account where the Persons that were the objects of it, had not something of affection or duty for him, because all that he can do in that way will ingage them no longer than till they can make a better bargain, or could he winn them by it, yet the case of that Prince is much to be lamented who has none to depend on, but

but fuch as he has gained by his liberality; But could he gain any by fuch a Method which is very uncertain, yet for one that he fo makes his Friend he thereby loofes a hundred who are fuch upon principle, and that Prince gives himself very little leafure to think, who does not know that one who is a Friend upon Principle is worth many who are made fuch by bounty, preferments may be outbid, but Principles are permanent: Every Prince will find himself out in his reckoning, when he perceives what construction the People do put upon fuch a Method, for they will be apt to conclude, That it is the effect of Fear, want of under landing, or that his heart is not right towards them, and its a dangerous thing to fuffer fuch Notions to get into their heads, it being very difficult to remove them if once they are fixt there Those that wisht him well will grow cold and indifferent towards him, when they find that others who don't deferve it are treated as well as themselves, and it will discourage the honest endeavours of others for the future, when neither they nor the Nation is much the better for their fervice, and at last they will despise him; and such as had no great good will for him will be fure to follow their blow as foon as they find his blind fide, and improve to their utmost advantage, though to the ruine of him and the Nation; all Parties will slight him, undervalue all his Actions, put the worlt construction upon every thing, and ascribe to chance whatever is well done. When obnoxious Men are made use of, it is too evident a fign that the fame work is to be done, because the same Tools come into play, and hereby the King in a great measure becomes Particeps criminis of former ill councels and pra-Clices, E 3

ctifes, in allowing such to suck the fat of the Government who ought to be squeazed if not crushed to fatisfie and vindicate the publick Justice, and then well may fuch wipe their mouths and fay, What evil have I done, when in stead of answering at the Bar, their Treatment is more like a Reward for what they have done, and thereby they are confirmed in their Wickedness, and all honest and deferving Men difcouraged. When a King calls fuch Persons near him as ought for ever to be banisht his presence, every Man else that is more deferving will withdraw themselves, because not confistant with their Honour to herd with any who are unworthy the places they hold, and fo in a short time the King will be left destitute of Council or any to defend him, and exposed to his Ene. mies both at home and abroad, and his own People so prepared, (that when any fair occasion offers it felf) to cry out, Nolumus hunc regn are, and thereby from a Potent King may become a Nominal Prince and no more.

Upon the whole matter then: May not that Prince be judged to be born under an untoward Constellation, who goes out of his way when it lyes so open and directly before him, or that splits upon a Rock, which he may more easily avoid than fall upon it: For that which is necessary to make him as happy as a King can be, is not more difficult than what was required of the Syrian General to cure his Leprosie, the one was bid to wash and be clean, and the other to keep sair with his People; and what they desire is reasonable and just in relation to themselves, and honourable and safe for him, and is the thing in the

World

World that can add most to the Excellency of

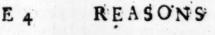
His Majesty, and the Might of His Power.

When a Prince miltakes his way for want of experience or a true representation of the State of Affairs, this is an Error on the right hand, and there remains hopes of his return, but when it proceeds from his own inclinations, and it is the dictates of his own breast, then it is an evil that threatens the Land during his I ife, because nothing but some very preffing necessity can make him alter his course : How great a Bleffing or a Burden then is a King to the Land, and how ought a good one to be valued, and a bad one to be dreaded, fince there is no Medium betwixt those two; and fince to much of the good or evil depends upon the advices that are given him, how careful does it behove him to be in the choice of his Council, and then how highly ought he and the Nation to value fuch, who let light by any Imployment when it stands in Competition with their Duty.

That King then who is informed of and fees his mistake and does not rectifie it, will leave no good Character behind him, but he that finds he is out of his way, and returns to the right path is both Wise and Just, and he that always keeps

in the right road is a fortunate Prince.

But to fay that his administration was unblameable, and yet from the first resolved that if he did slip aside, he could not sooner discover his Error, than he would set things to right, is the greatest Character of a King.



## REASONS why King JAMES Ran away from Salisbury; In a Letter to a Friend.

SIR

Ccording to my promise, when we were last together, I send you my further thoughts upon what we then discoursed.

The first thing (as I remember) that we had under our consideration, was an Inquiry into the true and real cause of King James's running away

from Salisbury.

I then was and am still of opinion, that he was acted by Fear more than by any thing else, from the first Notice that he had of the Prince of Orange his design to the Moment that he got into France; Nothing but fear could make him neglect what is so expedient upon such occasions. That is to clap up every Man of Quality or Interest that he sufpected; but he was so far from laying hold of any man, that he courted and even humbled himself to those very people whom before he would not admit into his presence, and with so much abjected ness made an offer of their Charter and Franchises to the City of London and other Corporations.

What else but Fear could put him upon so unpolitick a thing, as to send for so very many Irish?

For

For not to infift upon their infufficiency to help him at a dead lift, had he confulted his reason, he must have foreseen the discontents and divisions that it would create in his English Forces; for it shewed that he reposed a confidence in the Irish. even to a distrust in the fidelity and sufficiency of the rest of his Army, and a distrust at any time, much more at that would be felt very fenfibly, though toucht never fo lightly; and therefore if he could not be confident of his Army before, he might expect that this would dispose them to a Revolt upon the first occasion that they should meet with: Could any thing but Fear dispose him to those methods which he took to oppose the Prince at his first landing? For as upon a Fright all the Blood retires to the Heart; so he drew all his Army together, and reckoned himself so much the fafer, by how much less distance any part of his - Forces were from him, thereby neglecting the advantage that he had against the Prince of Orange, whom he was certain must land either in the West or North, and eight or ten thousand men sent down to each of those places to receive him at his landing, might either have destroyed his Army, or elle have broke it so much, that a small supply of Fresh men in a few days would have made an end of that Matter, if withal he had dispersed a few of his Forces conveniently up and down the rest of England, which would either have wholly prevented, or hindred any confiderable Affiftance from coming into the Prince; for the Nation had been rid fo long, that little of the old English Spirit was left, and most who declared for the Prince of Orange proceeded with fo much caution, that they shewed more Cunning than Courage, as I will



fhew you by and by; and befides those Forces thus placed to prevent any that should appear for the Prince, could in a few days joyn that Body that was to attack the Prince when he landed, and have made up a Force confiderable enough to ingage his, that did not exceed 12 or 13000, having lost most of their best Horses, and the Men much weakned and disheartned, by the Stormes, and lying long on Shipboard, or had they come on more equal terms, it was doubtful whether they could have kept their ground against an equal number of King James his Army: But had King James his first Body been routed, yet the remainder of his Forces far exceeded in Number the Princes, and would have found him fresh work, over and over, if King James would have staid with them. But this Method so prudent and obvious he refused, and as little made use of the other which he took. He quartered all his Army in and about London, till he heard the Prince was landed, when he ordered it to march, and followed it in Person, only to expose himself the more, and give the clearer evidence of his Cowardice, for before he came within 40 Miles of his Enemy away he ran as fast as if his whole Army, had been routed, his fear so far prevailing upon him that he durst not stay to set the two Armies together by the Ears, in io much hast was he to get out of England: And being stopt at Feversham, and brought back to White-hall, where he received the Princes Message to remove, how meanly did he consent to it? whereas if he had had the least grain of Courage, he might easily have secured those that brought the Message, and cut in pieces the Forces that came with them. To do it he wanted not incouragement by the Bonefires and Hirzzahs with

with which the City received him; and if he had, it would have struck such a Consternation upon the Princes Forces, and fo raifed the Spirit of his Army, and of the Papifts who were then very numerous in London, that it would have fo turned the Tables as to bring the Odds on his fide; but his Fear would not let him fee his advantage, and fo multiplied every thing that was against him, that at any rate he would be gone, and fave his life, though at the Price of his Honour and three Kingdoms: So that if all were true that is reported of his former Prowefs, yet he feems therein to have force himself and acted a part, for it could not be the effect of Courage and Resolution; and upon the whole Matter, never Man (even Nero himself) shewed so much Fear in any Case as King James did in that Matter.

From this we proceeded to consider what it was that set the slavish Passion associate, and we found it was the Concurrance of three things. First, The Princes Forces. Secondly, The desertion in his Army. Thirdly, The declaration of the Nobility and Gentry in several parts of England for the Prince of Orange; and then we inquired which of these weighed most, and therein first we took into consideration how far the Princes Forces went

in the Matter.

It must be considered that their Numbers could not make them very formidable, since they did not exceed 12 or 13000 Men: That the condition they were in, did not render them very terrible, many of their Men being sick, and all discouraged by the great Storms, and lying long on Shipboard; most of their best Horses killed, and the rest rendred almost unsit for service; And that the Dutch

were

were never esteemed very famous for Land service, though they behave themselves very well at Sea. King James was not ignorant of any part of this, And on the other hand, his Army was in great health, and alwayes well paid, and in Number much Superiour to the Princes Forces, by reason of which, in probability, it must have necessitated the Prince to get four or five Victories, before he could secure the Matter, and had lost all his labour, if King James got the better in any one Battle. King James knew he had in his Army of old disciplined Troops, Papists and biggored Tories, who in number equalled if not exceeded the Princes Forces, and would have found them, or any fuch Body of Men, work enough upon more equal terms; He very well knew that Englishmen feldom turn their backs, and will go as far as their Officers will lead them; He had a great number of Papifts in his Army, and was sensible that they thought it to be their Interest to fight, by reason that their all lay at stake, and considering how their Priests would push them on to fight it to the last man, he might confidently expect if they were ingaged, they would fell their Lives at a dear rate, rather than loofe the day: He knew he exceeded the Prince either in Horse or Foot, even as to the number or goodness of Horse, in which the strength of the Princes Army confifted; And though it may be Objected, That the Prince had with him the greateft General of the World, and a great number of good Officers, and that his were old Troops, and had been in Service; yet the best Officers could not make them more than they were, nor put them into a better condition; It must also be considered, that King James had a great many Men

Men that had been in Service; and new ones mixt with them, would together do as good Service. as if they had all been old Souldiers; and befides, their all then lying at stake, would be fure to make them perform what could be expected from Men, despair often answering to numbers and the greatest conduct. So that the thought of the Princes Forces could not be the only thing that fent King James away in fuch hafte from Salisbury: For even the Prince though he thought as well of his Men, as he could do of fuch a Number, yet he did not think them fufficient without other affiftance to ingage King James his Army, and therefore when he faw to very few to refort to him after he had been ten or fourteen days on shore, he began to look towards his Ships, and had certainly gone away if the Scene had not changed very much in four or five days. This therefore makes it pretty plain, that the Princes Forces was not fo very much the occasion of putting King James into so great a Fright as fomething elle: And therefore in the next place we confidered, how far the defertion in his Army might contribute to it.

Never had any Prince in his Army so many Men whom he had personally obliged, as King James had in his; for whilest he was Duke of York, he was industrious to gain People of all Qualities, and what he did for any body as well whilest he was Duke of York, as when he was King, was with so much dispatch and so good a grace, that his Favours carried with them a double obligation, whereby he got the Character of a steddy Friend, though other things gave him that of an irreconcilable Enemy; and there was in his Army a vast number, whom he had befriended to a great degree,

whom

whom no Overture could have prevailed with to have deferted him, if they had had any fort of gratitude, or sence of Honour : And no doubt it was a great furprize upon him, when he found himself left in the lurch by them, who in the opinion of the world, could have no other interest than to stand by him to the last with all they had; and it must touch him very fensibly, considering that the Revolt of a small part of any Army creates a great disorder in the rest, and often proves faral, because they are in effect double to the number of any other that come into the assistance of that Side, and renders all they leave behind them fuspected by their General; and therefore the Matter being thus fingly confidered, this may feem to press King James more than any thing elle. But on the other hand it must be granted, that it was quickly discover'd how far this Contagion was fpread in the Army: For it was prefently underflood, to have infected the Officers rather than the Common Souldiers, by which King James was no less deceived than the Prince of Orange abused; for all those Officers that had promiled the Prince, did withal affure him, that they had conferted the thing with the Men under their Command, but it proved quite otherwise, as is evident by that one Instance of Langston when he went over to the Prince, which made the greatest noise of any other Revolt in the Army, and was in effect more than was done by any body elfe, and deferves more than all the rest that was done by the Army; yet most of my Lord Cornbury's Dragoons, and all my Lord Oxford's Regiment, fave two Men, came back to King James, and made their way with their Swords; And even Langstons Men

Men when they came within the Princes Guards cry'd out they were betray'd, and though they stayed, yet it was rather as Prisoners than Friends, till by the Largess of a Months Pay they were brought to be of another opinion; Whereby the Prince was no less disappointed in the Inclinations of the Souldiers, than King James was deceived in the Fidelity of his Officers: So that the disadvantage was equal to the King and Prince, and their Measures alike broke.

But if all my Lord Cornbury's Dragoons, and every Man in my Lord Oxford's Regiment had gone over, and they as well as Langston's Men had been as willing to stay as the Prince was to receive them, and let the worst happen that could; yet he knew two thirds of his Army would stand by him as long as he would stay with them, because it was their Interest to try the chance of War, rather than tamely yeild the Cudgels, by reason they could expect very little rest for the soles of their feet, if they could not drive the Prince of Orange out of England, and there would be no tolerable Medium betwixt Death and Victory, and therefore if they lost the day, they would make the Victory cost the Prince very dear.

King James could not long be deceived in the number of such as Revolted, for the Report might multiply them, yet in a few hours he could know the certainty of it: but till he ran away, there was not two thousand that had gone over to the Prince of Orange. And therefore these things duly considered, it must be something of greater moment than the desertion in his Army that struck such a

damp upon his Spirits.

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Therefore we did examine ( as you may remember) how far the declaration of the Nobility and Gentry for the Prince of Orange effected the Cafe.

Many things feem at a distance to be greater than they are, and the noise it makes is open more than the thing it felf: And without question it was no pleasant Musick to King James when he heard of any that had declared for the Prince of Orange, and the opener it was repeated the worse he liked it; for fame would cry it up to be more than it was, and how much further fuch News was carried, by fo much would the number be swelled of fuch as declared for the Prince; for every 20 Miles would add a Cypher to the Number, Stories feldom loose in the telling, and those much less than any others, and is always helped on by fuch as are Spectators on fuch Occasions, who are not very Curious to take the Numbers exactly, for their Fear or Affection makes them magnifie the thing far beyond what it is; So that it's no wonder if People at a distance give so much credit to it.

But that we might understand where the stress of this Matter lay, you may remember we did di-flinguish betwixt such as declared for the Prince, and remained upon the place, and fuch as moved to Joyne the Prince as foon as they could get up to him: for though each of them to a great degree did very Considerable Service, yet they differ

very much in their Circumstances.

Those who declared for the Prince, and stirred not out of the Country, did notwithstanding very good Service, and Merit very much for it; For it must be very mortifying to King James (whose Fear had so much maftered his Reason) to hear

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when any place had declared for the Prince, and the rather because that he who had thought of Nothing more than to ride the Nation whip and fpur, should not only be thrown out of the Saddle, but be kickt at as he was falling, and to fee those People lift up their Heels against him, upon whose Necks he thought he did tread; Nay to find himfelf opposed by many of those very People, who by their Addresses, and base Compliances, had helped him to bridle and faddle the Nation. He that started at Shaddows, and was terrified at every Noise, must be confounded at the News that in fuch a place they had declared for the Prince, and being done but in one place, would pass for the unanimous Confent of the whole Country, who in a vast Body well arm'd and provided, were marching against him, and would be reprefented with all possible advantage, and more than with truth it could bear: But this would not be all; for his fear would remind him, that misfortunes never go fingle, and therefore this was only the beginning of Sorrow, and that Job's Messengers were on the way to bring him more and heavier Tydings than this; That this was the breaking out of a Plague that had infected the whole Nation, and being destitute of any Oblation to make Attonement, he might quickly expect to hear he was befet on Every fide.

But after all this it must be confessed, on the other hand, that what they did seemed much greater at first sight, than it would appear upon a second examination, and would neither strike such a Terrour on King James, nor give that incouragement to their Friends as it seemed to promise; For by lying still they gave King James the opportunity

to know their Strength as well as to their Numbers, as how they were provided with Arms and other Necessaries for the Service; and when upon further enquiry he found they were not so formidable as at first reported, it would naturally incline him to give the less credit, and be less affected with Reports that came from other Parts, and consequently if he had any life lest in him, rouse

up his Spirits and take fresh heart.

Resides by not moving they did too much discover their fear, both to their Friends and Enemies, and at best hand shewed they were rather on the defensive than offensive part; for it lookt more like Parlying than a Resolution to fight, and to receive Termes, rather than to give them, and that they, expected to be relieved by the Prince, rather than that he might hope for any affiftance from them: for in the North, where the greatest Show was made of any place so remote from the Princes Landing, and the fecuring of Tork was the greatest of their Atchievements, their Courage did not out-run their Difcretion; for they did not adventure to name the Prince of Orange, but pretended the contrary to the Duke of Newcastle, and used as much Artifice to delude him as if it had been of the highest consequence to secure him, though he was attended by none but those of his own Family; And there was as much preparation and consulting in order to surprize York, as if it had been the most considerable Garrison in England, though kept only by twenty Men, and they as ready to yeild and declare for the Prince as they could have wisht: And when they were possest of the Town, they fet strict Guards at every place, and fuffered none to go out or come in, till they were

were fatisfied with their bulinels, and were as wary as if a confiderable Force had been ready to fit down before the place: And with the like Steps they moved at Notingham, and other places: And though no doubt they ingaged in the business with a great deal of Zeal and Refolution, yet the Declaration of the cause of their Assembling, was penn'd with great caution, perhaps as a confidetable Man amongst them faid, to keep themselves within the Statute; for their Declaration, neither charged King James with Male Administration, nor complained of the danger we were in, but the Sum of it was to joyn with the Prince of Orange n declaring for a Free Parliament: Whereby they put it into King James his power to oblige them to put up their Swords as foon as he pleafed; for when ever he iffued out his Proclamation for Free Parliament, they were bound in Honour to ay down their Arms: And then what very great Service can they boaft of who could hold their Swords in their hand no longer than King James pleated? And though they may pretend to Merit highly, yet not to the degree with those who moved forward to Joyn the Princes Army . For by their Motion they prevented King James from having a true Account of their Numbers, and as they would daily increase, so every Account he had of them would make them ftill more confiderable. They shewed thereby, that they were refolved not to look back, but would either conquer or dye. They did not mince the Matter, but spoke plain English of King James, and of our Condition, and thereby animated the Country as they Marcht, and made all fure behind them, o that the further they Marcht the greater Service F 2

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they did, for 500 Men thus moving would in a fhort time occasion 40000 to rife in Arms; whereby in a few days they would not only be reported, but in effect be to confiderable and formidable as to support the Cause they had espoused, and either reduce King James to Measures, or drive him out of the Kingdom: So that this feems to be the great thing that so astonished King James, and put him to his Wits end. For as to the Princes Forces, their Number was not valuable, and if pressed very hard would not too obstinately stand it out, because it was evident they had a Retreat in their thoughts, and accordingly had provided for it. The defertion in his Army he could not much regard, because it did not amount to 2000 Men, till he ran away: But as to those who intended to Joyn with the Frince of Orange his Army; he would with dread behold the Storm coming upon him, for he might observe the Cloud no bigger at first than a Mans hand, increased so fast, that it would quickly over spread the whole Heavens, and prove fo great a weight, that it would bear down all before it; for their Numbers would quickly swell very high, and it could not be forefeen, where and at what degree they would stop: He might plainly fee, that they had thrown away the Scabbard, and contemned the thoughts of asking quarter; for as they could never hope for another opportunity to recover their Liberties if they failed in this, so they very well knew the inexorable temper of King James, that it would be to no great purpose to sue for his Mercy; whereby being made desperare, and aberted moreover by the whole Nation; he must expect the utmost that could be done by the united Vigour of Courage Ran away from Salisbury.

69

Courage, Revenge, the Recovery of Liberty, and Delpair, all which would make up too strong a Composition for King James his tender Stomach, and turn his thoughts from fighting, to contrive the best way to save his Life, and this was the Storm that drove him away from Salisbury.

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Obser-

Observations upon the Attainder of the Late Duke of Monmouth. 143-4-148-504

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143-4-140-504

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question by any power on Earth, and what they do is fo very good, that the Wit of Man cannot devise any constitution that can proceed with more Justice, or be less subject to err than they when rightly in Conjunction: And therefore whoever he be that propoles to have any of their Acts reviewed must take care to set his words in great order, by reason that that which in an Inferiour Court might be called error will scarcely indure the fost name of a mistake, if done by King, Lords and Commons: But however it does appear that they have reconsider'd what they have done, and thereupon have many times found that they might do better than to adhere to their first resolve, especially in cases of Bills of Attainder, which for the most part have rather been expedient than that the strict Rules of Justice were pursued, and though in fo doing their wrath did feem to burn very hot, yet in effect for little more than a moment, and even to end with the blow that struck off the Criminals Head; for upon the Petition of his Heir, his Blood has seldom been deny'd to be restored, and this proceeds from the great humanity of this Government. The Law of England being a Law of Mercy, does in many Cases appoint a grievous punishment, punishment, rather in Terrorem than that the penalty should be rigorously exacted; for which reason it is that so few Attainders are now in sorce; If then those Cases have met with so much compassion, the Case of the Duke of Monmouth may well hope for the like savour, since there is not any argument for the reversing of any other Attainder, that cannot be urg'd with as great force in the case of the Duke, and besides there is no president of the like case to be found, and whilest it remains in sorce is of dangerous Consequence.

The Law is so very careful to do right in every case, that it will not allow that any Man be judg'd without being heard, or at least that a convenient time be allotted him for it, if he think sit to appear; and it does also require that the fast be fully and sufficiently proved, without both of which no Man can be convicted of any offence in the ordinary course of Justice, and this is and has ever been reputed the undoubted Right and Priviledge of every Subject of England; and these things are so much of the essence of Justice, that by how much they are infring'd and invaded, by so much the suffice of England is the less able to stand and subsist.

Now in the case of the Duke of Monmouth, these were not only dispensed with, but the usual Method of proceeding upon Bills in Parliament was not observed, for in one and the same day, that Bills of Attainder was begun and passed both Houses. That the Duke of Monmouth was then Landed and in Arms was currant News at that time, and believed by every Body: But the question is, whether the Two Houses of Parliament were informed

med of it in due manner, and with the circumstances of Legal Evidence; for it's a very different and quite another thing both as to form and substance, what may satisfie a Man in his private Judgment, and what is sufficient to guide and convince him in point of Law and Justice, since that which might perswade one as a Spectator to believe the Prisoner guilty of the Crime with which he stands charg'd, may not in any fort be evidence to find him guilty, if he were one of his Jury.

For put the case, a Man is accused of Treason or Felony before a proper Magistrate, and the Persons who afterwards happen to be his Jury, are present at his Examination, and the Fact is not only point blank proved, but the Party Accused confesses it: Yet when he stands upon his Tryal, unless he do there again confess the Indictment, or the Fact be proved by sufficient Evidence, the Ju-

ry must acquit him.

Or thus, If a Man is Indicted for Treason or Felony, though Twenty, or a greater number of Men, of undoubted Credit and Probity should declare upon their Words and Reputation, nay, with great asseverations and Imprecations, that they knew the Indictment to be true, yet if neither they nor any Body else will swear to the Indictment, the Jury must find for the Prisoner; and yet those Men so seriously and solemnly declaring themselves would sufficiently satisfie all By Standers, and even the Jury too as to their private Judgments: But their Testimony not being such as the Law calls Legal Evidence, it cannot affect the Prisoner.

In case of Treason the Law requires Two Witnesses, who must be of good Reputation, indifferent

different to the Prisoner, and their Evidence is to be clear and direct to the Fact, and void of all implication; for if they are Men of Evil Fame, have Malice to the Prisoner, or are Bribed, Swear doubtfully, either as to the Time, Place, or Manner of the thing; any of these renders their

Testimony invalid.

It is granted, That from any thing in the Act of Attainder it cannot be objected, That the Two Houses had not before them sufficient and Legal Evidence of the Dukes being then in open Hostility, it being needless to express it, because they are supposed not to proceed without it; But it is notorious that all the Evidence they were then possest of, was a Letter sent to King James in the Name of the Mayor of Lyme, and a Printed Declaration under the Name of the Duke of Monmouth.

As to the Letter of the Mayor of Lyme, First there was no proof who wrote it. Secondly, The Letter declared him that wrote it to be in great disorder at the instant of writing it. Thirdly, It gave an account of not above Sixty Persons that were come on Shoar with the Duke. And Fourthly, That upon their approach he fled out of Town, and believed that by that time, his House and most of the Town was pillaged and ransack't.

These are such uncertainties as would render it insufficient to be Evidence in a much less case, for it being not proved, who wrote it, it might in construction of Law, be rather look't upon as his that deliver dit, than to be sent by Mr. Mayor: But had it been proved to be his; yet the disorder he own'd he was in renders the purport of his Letter of very little credit; or if he had been more

composed,

74

composed, the coming of Sixty Persons only into the Town, was no great indication of their Hoftility, having not offer'd violence to any Body, or if they had been a far greater number, yet for ought he knew they were retir'd to their Ships, and gone away, because he ran out of Town upon their approach. Besides this there was nothing express'd in the Letter; wherefore he did believe, that fuch diforders were then committed in the Town; for he neither faw, nor heard of any Man that had receiv'd the least injury whilest he stay'd, nor had the Duke then declared for what intent he came. The people of the place might perhaps flock to fee the Duke, yet that could be no Evidence of an intended outrage, it being no new thing in England for the People to crow'd together, when an Eminent Person is to be seen, and especially on account of the Duke. Besides, as his Disposition did make him averse to commit any inhumanity, fuch as was fuggested by the Letter, so in point of prudence it highly behoved him to treat the place as obligingly as was possible, for it had been the falsest step imaginable to have done the least violence to any body: So that this part of the Letter destroys the Gredit, which the rest of it might otherwise have obtain'd : And take it altogether is so weak and frivolous, that a Letter found in the Streets would amount to as good Evidence in any case as this could; for at best hand it could not be of greater weight than to corroborate a Legal Evidence. To allow a Paper standing alone to be good evidence cannot be fafe; and must be very dangerous if fuch as this may pass, because that evidence will not be wanting, when a turn is to be ferv'd.

As to the Printed Declaration, It paffed indeed under the Dukes Name, but there was no proof, that he drew it, approv'd it, order'd it to be Printed or Dispers'd, or that he ever faw it, or was privy to it. It was read in the House of Lords by the Kings Command, or elfe it had been a fecret to them, as well as to the World, that there was fuch a thing; for as that was the first time that it was heard of, so not any more of those Prints came publickly abroad, and not one Man of a Million that either faw or heard the Contents of that Print; and for that reason, it's not altogether improbable, but that that Declaration was a Contrivance of the Court, and shamm'd upon the Duke of Monmouth. But to let that pais, That which makes a Man guilty of Treason or any other Crime is his Privity or Confent to it, and that not being proved, it could no more render the Duke Criminal of that Declaration, than it could him that cafually heard it read: For if the Printing of a Treafonable Paper in a Mans Name, will make him answerable for it, then no Man can be fafe longer than he is out of the thoughts of his Enemies, or they are not arrived to that pitch of Villany as knowingly to destroy an Innocent Man.

Take then these things together, and see how precarously every Man holds his Life and Honour, if such things as they (I mean the Mayors Letter and Printed Declaration) may pass for Evidence, for what can then be more easie than to sham any Man out of his Life, and all that is dear to him.

But had the Evidence been as full and as clear as it could, or ought to be in such Cases, yet it is of

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the Effence of the Justice of England, that the Party accus'd should be heard, or have sufficient time allign'd him, to as that it must be his own fault, if he do not appear and make his defence This is the Law not only of this, but in all Constitutions where the Government is not Despotick or Arbitrary. For there cannot be a greater Badge of Slavery, than that Men may be condemn'd without being heard to their Accusation: In the time of Henry VIII. Cromwell Earl of Essex, being then a great Man, and out of design to destroy fome, whom he knew not well how to ruine otherways; contrived and promoted a Law for a Summary way of Tryal, fo as that a Man might be judg'd without being heard; but as it fell out he perished by the Snare that he had layd for others, for he was condemn'd without being heard to his charge, and he was the only Man that was toucht by that Law, for his case made it so odious, that immediately upon it, it was repealed, as being unjust, and inconsistent with the Justice of this Government.

God the Righteous Judge of all the Earth, though he knows what we can fay in our defence, will hear us before he condemns us, for otherwife his Sentence would not appear to be just. The Law in case of Blood proceeds by slow steps, because Blood when spilt cannot be gathered up again; for it is a Maxime in our Law, that no delay is too great when Life is concern'd; the Law defires that every Man should prove innocent, and does suppose he is so till he is found to be otherways by his Peers, and for that reason it is that a Judge may not give the Prisoner at the Bar reproachful Language, till the Jury has found him

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him guilty, and then too he is not to be condemn'd, till he has moved in Arrest of Judgment, and heard

what he can further fay for himfelf.

To hear a Cause ex parte is in effect to know nothing of the Truth, so as to be able to make a Judgment where the Right is. Many Innocent Perfons will unavoidably suffer, when ever it comes to be Law that Men may be try'd and condemn'd, without being heard: This fort of Justice will set the Innocent and Guilty on the same foot; and to throw Cross and Pile, whether the Prisoner shall be acquitted or condemn'd is as Just, as to Try a Man without hearing his Defence.

Now it's undeniable that there was no time given by the Bill for the Duke to appear, which must at best hand be allow'd to be a great omission; for in all other Acts of Attainder, if the Person was alive, a convenient time was allowed him to come and be heard, and till that time was expired, the Act was not in force against him, nor could the penalty therein exprest affect him in the least.

But beside these things, there sell out some thing further in this Bill of Attainder, that is very unusual and extraordinary; for it was begun and pass'd both Houses, in one and the same day, which was never heard of before in any case, though the occasion were never so pressing: The Method of passing all Bills being quite otherways. For when a Bill is brought into either House of Parliament, or sent from one House to the other, it is not often that they give it a reading the same day, or if they do, it's seldom that a Bill is read above once in one day, and when it has been read a second time, if it be not rejected it is committed, and then for the more part the Committee does proceed upon it

in some other day, and not upon that, so that regularly no Bill can pass either House in less than Three days: And this gradual way of proceeding upon Bills, demonstrates the great Wisdom and Justice of the Two Houses, and vindicates them against precipitancy and partiality. This has been the Ancient and Approved Method beyond the Memory of Man or Records, and it has ever been found safe if not satal to go our of the path of our Fore-fathers.

And thus stands the Case as to the passing of the Bill of Attainder against the D. of Monmouth; which must be acknowledged to be a Summary way of proceeding upon presumption, without Legal Evidence, or hearing the Party, or observing the usual Method of passing Bills in Parliament.

That the Legislature of England is confined to no Rules and Directions, but that of their difference, and that upon suddain emergencies, when it will be to the Publick Detriment to stay for the ordinary and usual Forms of Law they may justifie the dispensing with them; and for that reason all that was done in the Duke of Monmouths case is very well warranted, because there was then flagrante bello.

It is true that the Parliament has fuch a discretionary Power, and it's reasonable it should be so; but yet this does not prove that a more deliberate proceeding might not have been had upon that Bill, however it will scarcely afford an Argument, wherefore the Attainder should not now be revers'd, but rather that it ought to be, because when the Mischief is prevented, that induced the Parliament to such an extraordinary course, it

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was the constant practice of our Fore-fathers to put it out of fight as foon as could be. And nothing could be more prudent, for to long as it remain'd a precedent, it might be the occasion of a greater evil than it had prevented; and fo long as this Attainder stands in force, it will be look't upon as an Exposition of the Law, declaring that it may be Legal and Just to condemn without Evidence, or hearing the Parties defence, and thereby put our Lives and Families into a more precarious condition, when in the discretion of the Two Houses of Parliament, then when they are to be judged in the Interiour Courts of Justice; and fo chalk out a Method for unfortunate Times, to take off any Man that stands in the way, for though what was done in this cafe may be faid to be Jus, yet it was Summum Jus, and if it was Justum, yet it was not done Juste.

But over and above all this, there happen'd a thing in pursuance of this Bill, which though in firstness of Law it cannot be assign'd as sufficient Error, yet in reason may be an inducement to

the Parliament to reverse this Attainder.

The Life of every Man is under the protection of the Law, even Persons Condemned, Outlawed, or Attainted, to Kill or Execute them in any other manner than the Law directs is Criminal: In case of Outlawry for Treason or Felony in the Kings Bench, if the Party be apprehended in time of a Vacation, no Warrant can go out to execute him before the next Term, but he is till then to remain in Prison, that so he may not only be heard what he can say for himself, wherefore Execution should not be awarded, but that also the Law may be satisfied, that he is the very Person named

named in the Outlawry, and even a Prisoner condemn'd at the Bar cannot be executed till there is a Rule of Court, or other order for it: Now it is conceived that the Duke of Monmouth ought not to have been executed till he had been brought before the King's Bench, or fome other Court that could properly judge and distinguish, whether he were the very Perion Attainted by that Act; for had he been brought to the Bar, and there deny'd that he was the same Person, a Jury must thereupon have been impanelled to try whether he were the proper Perion or not: For the Law delights in certainty, and will not go out of fo grave and considerate a way, especially in so solemn a case. as Blood, where it cannot be too cautious; one Man may be fo like another, that it is not easie to distinguish them when asunder, and a mistake in fuch a kind would be a great blot upon the Justice of any Government, when it is occasion'd by pre-cipitancy and haste; but we have lately seen such unfortunate times, when there was a willing difpolition to commit fuch Mistakes, if any Colour of Law could have been found for it.

But fetting all these things aside, and were there not so many extraordinary things in the Case, yet something ought to be done for the sake of the Dukes Children; surely a great deal of compassion is due to them, considering upon what score their Father lost his Head; by reason that the Cause of his Rising in Arms was no other than that which prevailed with the Prince of Orange to make a descent into England, that is to deliver us from Popery and Slavery; there being nothing that differences those two Cases, but that the one had success, and the other miscarried, and therefore can

it be politick to leave that Attainder unrevers'd as a reproach upon the Duke and his Posterity for what he did.

Besides, if this Attainder be not revers'd, it will be an utter discouragement upon all others for the future to attempt the rescue of their Country, if no regard shall be had to their Posterity, in case they don't succeed: I am verily perswaded that if the Prince of Orange had miscarried in his late Attempt to deliver us, every Man that had fuffered in that cause, would have expected, that when ever it was in the power of the Nation, to have had a mark of favour be fet upon their Posterity, at least that of right their Families were to be put in Statu quo: There will be very small inducement for any to be concern'd for the Publick, when nothing but fuccess will make the Publick take care of them; when the Vertue of a People is fo far depraved as to forget those that have ferv'd them; they do nor after that long retain a true sense of Liberty, and are easily periwaded to part with their freedom; and fo long as this Attainder remains in force, it hangs over the Nation like a dreadful Qmen; for fo long as it is in force we confent to the Justice of it, and how can that be Just which we would not have done to our felves; for certainly no Man would like to be Judged by fuch Law as took off the Duke of Mormouth, and therefore what can be faid that his Attainder should not be revers'd?



#### THE

## INTEREST

OF

# Whigg and Tory.

#### A LETTER to a Friend.

Hough others may be more fortunate in their Conceptions, yet I am confident that no Body imploys their thoughts fo often, and with more Affection to His Majesties Service than I do: It is very obvious that the Kings Affairs are much perplex'd: Vast supplys are necessary, and there is but a dark prospect where the Money will be had, or if the Nation were in more Wealthy Circumstances, the Divisions that are amongst us would much obstruct the giving so much as is needful at this time: But the greatest difficulty which the King has to struggle with will be from the High Church or Tory Party, and the more he trusts or confides in them, the harder game he will have to play: For give me leave to fay the King can never be fafe in depending upon them till they change their Principles, or he do foregoe his own: No Man can have so mean a thought of the King that

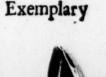
he will ever have so little Honour or Justice either to deny or go counter to what he has profess'd and practifed in the whole courfe of his Life: And it's very plain that it is Private Interest, and not the Publick good, is the Frinciple by which that party has been acted: And though they have fometimes feemed very zealous to serve the Crown, yet they have never gone further with any King than folong as they could ferve themselves of him, and therefore unless they are govern'd by a more Publick Principle, or have given more ample testimonies of their true affection to the King, than they have done to those that have been before him, the more Countenance he gives them, the more he ftrengthens the hands that will be lift up against him, if a fair occasion offer it self. The Seven Bishops who were fent to the Tower for refusing to read K. James's Declaration, were highly applauded for that Action, as a Service done the Publick, but if their own particular Interest had not prevailed with them, they would not have been fo forward, to read the Declaration of K. C. that struck more directly at the heart of the Government, and reproach all that shew'd a dislike of it. If that Party has given any instances of their Affection to this King, either they are not publickly known, or not well understood, but what they have done on the contrary are too notorious to admit of a Dispute: It was that Party that contended to obstinately for the Regency, and when the matter came to be decided by a Vote in the House of Lords, there was but one Bishop that gave his Vote against the Regency Who are they befides those of that Party and the Papists that at this day refuse to take the Oaths, Five of the

Seven Bishops have so done. It was that Party in the House of Lords that opposed the impofing the Oaths with the penalty especially on the Clergy: It's that Party that fo much favours the Papists of this day; and if any Protestants are found to be in a Plot with the Papists, they are all of that Party: Every thing moved in Parliament for our fettlement receives its opposition from that Party, and I do averr that amongst that Party there are none of them who have been preferred by the King have given a Vote, but have opposed every thing that was for the Publick good: Whatever tends to recal K. James, or to facilitate his readmission, is vigorously disputed for by that Party: And tho' they now stand so stiffy for his Interest, yet they paffively lookt on whilst he was driven out of this Kingdom, which is an undeniable Argument that they either wanted Courage or Interest, and a defect in either of them makes them rather to be despised, than fear'd; for if they had neither Courage nor Interest to serve K. James, in whom they have fo much inclination, it will not much mend the matter when this King is in the fame Cafe. They have not the face to justifie the late Illegal Proceedings, yet are very busie to keep in, and get into Imployments the very Persons that were then made use of. I don't deure that these People should be removed to make more room for me, for I am very well fatisfied with the Post I am in, and with all possible thankfulness acknowledge his Majesties Grace and Favour, but I say this, becaute I wish that every Man the King makes use of, were altogether as honest and affectionate to his Service as I am, and as able to ferve him as I am willing.

I was and am of opinion that the King made a very wrong step when he employed so many of that Party, because it would unavoidably abate the Zeal of many of his Friends, and I fear it has had this further bad effect, to make those People believe that either he is afraid of them, or that they are necessary to him; whose utmost hopes or expectations were to shroud themselves under an Act of Oblivion

I am far from reflecting upon what the King has done, for it lyes heavy upon my Spirits as oft as I think of it, but I should rejoyce if I could offer any thing to help the King to make the best of a bad bargain: For he has a very ticklish game in his hands: If he should now all at once discard that Party, no doubt it would confound his businels very much for the prefent, and on the other hand, if he do not fo carry it towards Friends (till with more convenience he may put them off) that they may fee it is necessity and not choice that makes him take this courfe, he will be in great. danger of loofing most, if not all of them, and if to the King will be in very untoward Circumstances: For then he will be under the necessity of depending wholly upon this Party, and confequently he must run up to all the excess that they have formerly practifed, and yet he shall not be sure of them, for as foon as they can make a better bargain, they'l leave him to shift for himself: This I conceive to be the Kings Cafe, and I wish any thing could be thought on that would do his businels effectually.

I do highly approve the Kings Method relating to Ecclefiastical matters in giving of the Church Preferments to none but Moderate Men, and of



Exemplary Lives; for hereby the fierceness of the High Church-Men will be abated, and the over-niceness of the Dissenters taken off, and consequently bring both sides to better temper, which is the first and principal step in order to uniting of Protestants.

In like manner, if the King would for the future, dispose of all such places as become vacant to none but Moderate Men, and especially give the preference to fuch as deferv'd well of him, this would be to the fatisfaction of his Friends, and could give no cause of offence to the contrary farty; it would let his friends fee what further kindness he intended them, and the other would have no cause to complain; or if they did, they would loofe ground by it : And further to displace such as in Parliament Vote against the Interest of the King and Kingdom, I think cannot be a question; I am far from thinking it to be justifiable to difplace Men for Voting according to their Confciences, but when Men are for promoting of that which is against the Publick, or for bringing in K James, or bringing on Confusion, to continue such in Imployment must discourage the Kings Friends, and to put them out can offend none but fuch as whole good or ill will is equally to be regarded.

Besides the present juncture of Affairs, there seems to be but one objection against rurning out these sort of Men immediately, and that is the doubt in what Interest the bulk of Ergland lies: This is a thing that may certainly be known, but it would be a great deal more than this Paper can allow of to make it clearly out; and yet I will humbly offer one thing that will in a few words give a great deal of light into it, That when we

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have had two State Officers in the fame station of different Parties it's reasonable to suppose that all Persons that have business will apply themselves to the one or the other according to the Interest they are of, if then it shall fall out that he who espouses the true Interest of his Country has three times the business of the other, I conceive it no mean Ar-

gument where the weight of England is.

Much more I could fay upon this Subject, and I fear I have already exceeded the bounds of a Letter: Yet if what I have faid is worth your pains of reading, there is no Body to whom I can with to much fatisfaction communicate my Thoughts, nor will better improve any advantage that may be made by it than your felf: But if I have not faid much to the purpole, I hope the honesty of my Inclination will obtain your pardon, and continue me the honour of, &c.

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the true Incouragers of Popery: Written on the occasion of King James his Declaration of Indulgence.

Pon the late Declaration of Indulgence, many having absented themselves from the Church, our high Church-men have from hence taken occasion to lay it down as a Maxime, That if Popery be Establisht here in England, the Differters are the only cause and occasion of it, and by the Thunder and Noise that they make in their Pulpits, and all other places, a great many others are perswaded to be of their opinion; yet I cannot affent to it, though I am far from turning Ad. vocate, either for the Declaration, or those that make use of it, yet as a moderate and just Man I would fet the Saddle on the right Horse, and I am perswaded that any impartial considering Man will when he thinks on it feriously, find, That it is by the help not so much of the Diffenters as the high Church, that Popery has put foot into the Stirrup, and is ready to mount into the Saddle: But yet I hope that on which of them foever Popery shall most depend, when it is raising it self to the pitch that it defigns, that they will llip away its hold, and thereby make that the occasion of its ruine, that was deligned for its establishment.

It must be confest that the Dissenters when they had the upper hand, did not behave themselves with the utmost moderation towards others that differed from them, but yet our high Church men can never answer either as Protestants or Politicians, the procuring of fuch fevere Laws as were made at the late Kings Restauration, and the pushing of them too with fo much violence upon the Diffenters, if many times those Laws were not fretcht and extended beyond their true meaning and natural construction: And with such fury did they carry on their Revenge, that had they been told, they knew not of what Spirit they were, they would not have borne to gentle a Reproof with any fort of patience; whilst in the mean time, they treated the Papifts rather as Friends than otherwife; neither did they flack their furious profecution, till they found the House was ready to fall about their Ears, and so were necessitated to adjourne their Proceedings till they could be at better leifure. And as this was very pleafing to the Papifts, so it was no less an acceptable piece of Service, to make the terms of Communion fo ftrict and strait-laced, and to fet the Church upon fo narrow a foundation, that it was impossible for it to stand upright very long, but must in a fhort time incline to one hand or another, if not fall flat to the ground. Not to mention every thing, but only to give a few Instances, and those not the greatest nor most material neither; First then the fo frequent varying and altering the posture of Worship, which must unavoidably difract people, and cool their fervency in devotion; Next the turning to the East when the Creed is faid, and reading the Scripture and Prayers in feveral parts

parts of the Church, or place of Worship, as is now practifed in our Cathedrals, which is to suppose that God is not equally present in all parts of the place, where people are met together to worthip him, or that he will hear and accept this Prayer in that place, or that Prayer in another; Then farther the Tautologies, Repetitions, and faying the same thing over and over in the Common Prayer, which is that our Saviour reproved in the Devotion of the Pharifees; and besides the requiring us to fit when the Second Lesson is read, and to fland up at the Gospel, though they happen to be the felf-same part of Scripture; which is nothing less than to injoyn a contradiction. These things and many others, though they pretended they are indifferent, and required only for order and decency, yet did they exact the observance of them much more than other things that are requifite to make a Man a good Christian: So that though these things may not be superstitious in themselves, yet to require fuch an exact observance of them must be introductive of Superstition; And they had laid fuch a Foundation, as on which the Papifts did propose to build furely and substantially, especially when the high Church men were raising a Superstructure upon it by the arbitrary Doctrines which they gave out in the Pulpits, and in all other Discourses; in which they afferted the Divinity of Kings, fetting him no other bounds to his Power but what his Will should prescribe; together with the Doctrine of Non-resistance, and to extend it even to our thoughts; and whoever would not fubicribe their affent and confent to these things, they would write upon their back, Traditur Diabolo, and affign them Hell and Damnation for their portion,

portion, no less than if they had denied the Articles of the Christian Faith; but besides, when they declared that they would rather be Papifts than Presbyterians; the Papifts did hope that they should have little more to do, in bringing their work to perfection, than to fit by, and direct what they would have done: especially when they saw the high Church-men contend fo furioufly for the Succession as if their All had depended upon it, as well as it was the only hopes the apifts had left them; who were further confirmed in their expectations, when upon the discovery of the Popis Plot by Oats, these Church-men became Advocates for it, and with fo much Zeal and Industry endeavour d to lessen and take off the credit of the Discovery; and yet no sooner was an Accusation of that fort brought against the Protestants, but they undertook to demonstrate the clearness of it, though most other people lookt upon it as a sham, and peice of Forgery of the Papifts contrivance, to take off the Odium of their own Plot that was a true one; but however these Churchmen, as if they hoped hereby to make their fortunes, had nothing in their Mouths but blood and flaughter, bawling out for full and speedy Justice against all those whose Names were mentioned in that Plot, scarcely allowing them that play for their lives which the Law gives to every Subject; and condemning in their Judgments every one before he had received his Trial, and being out of patience if any one was acquitted: And thany of these Men lookt upon the Habers Corpus Act as an unrighteous Law, because it helped several to their liberty who were clapt up, though nothing could be charged upon them. Thus did they proceed

to the fatisfaction of the Papifts, till the King, being puffed up with his Success against the Duke of Monmouth, he clapt spurs to them to make them mend their rate, whereby he ran them out of breath, and then instead of going on they fell to kicking at him; for now they can preach against Popery, and don't flick to fay it openly, that the King has not kept his word, and indeed speak of him and his Government in fawcy and unmannerly Language, and let fall fuch words against his Proceedings, as they would heretofore have called Seditious, had they come out of other peoples mouths; yet now they reckon themselves the only Champions against Popery, and the chief Supports of the Laws and Liberties, because they fay and do those things in ten times a greater degree, for which they used to call others, disaffected, and thereby greedily lick up their own Vomit: They wonder now that any do absent themselves from the Church, and fay, if Popery do come in, the fault will wholly lie at their Doors, who at this time separate from the Church.

But soft and fair, they make too much haste; for the blame will not wholly rest with the Dissenters; for neither have they yet approved themselves such worthy Patriots: If they are ruined their blood is upon their own heads, and they must thank themselves for it. Though the Dissenters are to blame, yet to lay all the fault at their Door, it may as well be said, which is ridiculous to affirm, that he has as great a share in building a House that lays here and there a Stone, as he that lays the Foundation, and raises much of the Superstructure upon it; which is the very Case betwixt the high Church-men and the Dissenters; and though our high

high Church fnarle at the King, and treat him with over-familiar Language, yet what they have faid and done does not so much denote their repentance, as that they are disobliged and disappointed, because it is not accompanied with amendment of life, which is the truest fign of penitence; for I doubt, there are very few of them that can boaft. that they are lefs debaucht and profane: If the matter then be fo, and they on their part have not done any thing to invite or incourage the Diffenters to come to Church, they should be the least of all Men that should complain of their absenting. Upon the whole Matter then, The Diffenters by falling in with the Indulgence, have done that which in the confequence will fet up Arbitrary Power; But the high Church-men have in express terms preached up and affifted Arbitrary Power, and have treated the Papists as their Friends: So that they having been chiefly instrumental and layed a Foundation for Popery and Slavery, I may without pretending to the gift of Prophecy, adventure to fay, that whenever it comes to extremity the greatest brunt will light upon them, and their Heads will sheild the blows from others who used all lawful means to have prevented the Mischeif that is coming on apace. Thus I have laid open the Fault on all fides; let then the high Church be more charitable, and the Diffenters less stiff and sweamish, and let every one indeavour to live like People professing the Gospel, and I hope that God may yet have mercy upon this poor Nation.

A Speech

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A Speech

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#### SPEECH

IN

## PARLIAMENT

FOR THE

### Bill of Exclusion.

I Wish I could have been filent, and I wish there had not been an occasion for this dayes debate: but since we are brought into this condition, it behoves every Man to put to his Shoulder to support this tottering Nation: And in this Matter that is now before us we ought to consider very well, for a great deal depends upon it, and therefore I hope that every Gentleman will speak and Vote as God shall put it into his heart, without any prejudice or pre-possession.

A Bill to Exclude all Papists from the Crown will produce a great many Inconveniences on both hands, because his R. H. being a Papist it will set him aside: therefore we are to consider which is

the leffer evil, and to choose that.

If the D. be excluded, you are told how unjust it is to take away his Right from him: that the Crown is his Inheritance if he survive the K. and

besides

besides you provoke him and all the Papists in England to Rise and cut our Throats.

On the other hand, it's plain, that when we shall have a Popish K. our Religion and Laws are not secure one Moment, but are in continual

danger.

So that the case in short is this: Whether we shall sit still and put it to the venture of having a Popish Successor, then we must either submit our Heads to the Block, or sight and be Rebels: Or else to have a Law that will justifie us in the defending our Religion and Laws: In plain English, whether we would sight for or against the Law. I think I have put it right; and now let every Man make his choice, that toves either his God or his

Countrey.

As to the D's Right to the Crown; I wish it were clearly known what fort of Right it is he claims, and whence he derives it: He is not Heir Apparent, neither do I think that our Law knows any fuch thing as an Heir to the Crown, but only as a Successor: And therefore the D. nor any other whatever, can pretend the same Title to the Crown, as the Son of a Subject can to his Fathers Estate after his decease; for with Subjects they do not fucceed but inherit. It is not fo as to the Crown, for there they succeed: And it is from a not rightly confidering the word Heir, as it is a Synonymous term with that of Successor, that has made so many to be deceived in the D's Title to the Crown: for this word Heir to the Crown was not heard of till Arbitrary Power began to put forth. Before William the Conquerour's Time it would have been a fenteless word, when the people set up and pulled down as they faw cause: And till Queen

Queen Elizabeth it was not much in fashion, when the Crown was so frequently settled by Act of Parliament, and the Next of blood so often set aside; when the Son seldom followed his Father into the Throne, but either by Election in the Life-time of his Father, or else by Act of Farliament. So that to make the D. either Heir Apparent or Pressumptive to the Crown, it must be proved either by the Constitution of the Government, or by some Law or Act of Parliament. If therefore he has a Title to the Crown, it's necessary to know what it is, and whence he has it; but if he has none, it's not unjust to pass the Bill, or any otherwhere he shall be particularly named: But I will say no more of this, least I may seem to be against

Kingly Government, which I am not.

If the D. be Excluded because he is a Papist, yet it is no injustice: Why will he be of that Religion that the Law endeavours to suppress? The Subjects who are of that Religion, forfeit Two parts in Three of their Estates, and shall any Subject by reason of his Quality be exempted from the Law? I hope not; Besides, if a Subject forfeit two parts, it's reasonable that the next of blood, or any that is of that Religion, should be excluded from the Crown: because the Law has prohibited all Papists from having any Office Civil or Military, because their Principles are inconsiftent with the Government; and then how preposterous would it be to make him the Head of the Church, and the Preserver of our Laws and Liberties, whose Religion obliges him to ruine and destroy both? So that if the D. had not by his practices given us just cause to except against him, yet barely as he is a Papist he ought to be Excluded: But when it is confidered that he has held a correspondency with the Pope and the French King, to subvert our Religion and Laws, what protection can we expect from him if he be King? It is a senselest thing to imagine, that he will not disturb us in our Religion and Laws, seeing whilest he is a Subject he is practising to destroy us and them: Therefore for my part, I think we betray both our Religion and Laws if we do not pass this Bill.

There is one Opinion which prevails much in the World, which as it is false so it does a great deal of hurt, and that is this; That every Government in the World was constituted by God himself: But that cannot be so; for it would follow, that God is unjust, which he cannot be. There neither is nor was any Government of that fort but only that of the Jews, the rest of the World were lest to themselves, to frame such a Government as suited best to their Inclinations, and to make such Rules and Laws as they could best obey and be governed by.

Ours is compounded of an absolute Monarchy and a Common-wealth, and the original of it we have from the Saxons: But be it what it will, or whence it will, it is without question that the first original of our Kings was, that the people found it for their advantage to set one over them, because of his Wisdom, Valour, and Justice, and therefore they gave him several Prerogatives above the rest of the People, that he might be the better able to govern and defend them: for there is none of the Kings Prerogatives, but are for the good of the Nation if rightly imployed: But it will be a strange conclusion to suppose, that the People obliged

obliged themselves to submit to the Posterity of that Man whom they first chose for their King because of his extraordinary Endowments, let them be what they would, and never so unsit for the Government: For the next of blood may be incapable of governing in leveral respects; suppose a Fool or Lunatick; by his Principles if he aim at Arbitrary Power, by his Religion if he be a Papist or a Heathen, or by his practites, before he comes to the Crown, to destroy the Religion and Government by Law Establish.

Now this I do not fay to argue that the Election of the King is in the People, though I think much might be faid in that case, neither is it now the question; but that which I speak for is, to prove that the next of blood has not so absolute an Inherent Right to the Crown, but that he may for

the good of the Nation be set aside.

There is yet another Inconvenience to allow the next of blood to have so absolute a Right to the Crown, because the Possession of the Crown takes away all disabilities, but only such as are by Act of Parliament; which being so, every King must thank his Successor for every moment that he lives; if he kill him himself he cannot be questioned for it, because as soon as the one is dead the other is King, for here the King never dies.

Right, the King is very unfafe: For though the D. be not inclined to shorten his Brothers days, nay though he be averse to it, yet in obedience to the Pope and his Priests, it must be done either by himself or some other hand, and then how long

we expect his Majesties life?

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If Kings were good Men an absolute Monarchy were the best Government, but we see that they are subject to the same Infirmities with other Men, and therefore it is necessary to bound their Power: And by reason that they are sless and blood, and the Nation is so apt to be bad by their Example, I believe was that wherefore God was averse to let the Jews have a King; till they had Kings, they never revolted so wholly from him; when their Kings were good they were obedient to him, but when they were idolatrous then the People went mad of Idols. I hope it is no Regis ad exemplum that makes our Nation so lewd and wicked at this day.

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## SPEECH

AGAINST

Arbitrary and Illegal

#### IMPRISONMENTS

BYTHE

# Privy Councill.

Here is not any thing that an Englishman can claim as his Right, that we value more than Freedom and Liberty, I mean that of the Body; because Imprisonment is a fort of Death, and less tolerable to some than Death it self: For by it we are deprived of all our Earthly Comforts. is a Man the better for having never fo great an Estate, never so great Honour, or what else is defirable in this World, if he is restrained of his Liberty? Now there are several forts of Restraints or Imprisonments, and they are all forbidden by our Law, unless the cause be very just and reafonable; not for bare furmifes or vain stories that a Man shall be imprisoned and hurried from his aboad, but only for fuch cause as shall prove that it is for the good of the Government, and the Jupport

#### Imprisonments by the Privy Council. 101

port of it, that this or that Man is imprisoned or restrained. Although the Law has taken very good care, yet the Subject is often abused in his Liberty, sometimes by the Courts in West-Hall, sometimes by other Courts and particular Magistrates: But the greatest cause of complaint pro-

ceeds from the Privy Council.

The Privy Council that is, though they have been much to blame in this particular, yet it is not a new thing that they practice, but this Itch of lending for and imprisoning the Subject upon vain pretences has descended from one Privy Council to another, like an Infirmity that runs in a Blood; for no sooner is a Man made a Privy Councellor, but this Spirit rests upon him. This Mischief was early espied, even in Henry III's. time, and several Lawes have been made to restrain the Privy Council.

By the 9. H. 3. Chap. 29. it's declared that No Free man shall be taken or imprisoned, or be diffeised of his Free-hold or Liberties, or Free Customes, or be out-lawed, or any other way destroyed, nor we will not pass upon him, nor condemn him, but by Lawful Judgment of his Peers, or by the Law of the Land.

By the 5. Edw. III. 9. It is Enacted, That no Man from thenceforth shall be attacht by any Accusation, nor fore-judged of Life or Lunb, nor his Lands, Tenements, Goods nor Chattels seized into the Kings Hands, against the Form of the

Great Charter, and the Law of the Land.

By 25. Edw. III. Chap. 4. It is declared, That from thenceforth none shall be taken by Petition or Suggestion made to our Lord the King, or to his Council, unless it be by Indiament or Presentment



102 A Speech against Arbitrary and Illegal

of his good and lawful people of the same Neighbourhood, where such Deeds be done in due manner, or by Process made by Writ original at the Common Law, Nor that none be out of his Franchises, nor of his Free-holds, unless he be duly brought in answer, and fore-judged of the same by the Course of the Law. And if any thing be done against the same, it shall be redressed and holden for none.

By 28. Edw. III. Chap. 3. It is Establish, That no Man, of what Estate or Condition that he be, shall be put out of Land or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of Law.

And by 37. Edw III. Chap. 18. It fays, Tho' it be contained in the Great Charter, That no Man be taken nor imprisoned, nor put out of his freehold, without process of the Law, nevertheless divers people make false Suggestions to the King himself, as well for Malice as otherwise, whereof the King is often grieved, and divers of the Realm put in damage, against the Form of the same Charter: Wherefore it is ordained, That all they which make fuggestion shall be fent with the same fuggestions before the Chancellor, Treasurer and his Grand Council, and that they there find Surety to pursue their suggestions, and incur the same pain that the other should have had if he were attainted, in case that his suggestions be found evil: And that then process of the Law be made against them without being taken and imprisoned against the Form of the faid Charter, and other Statutes.

In the 38. Edw. III. Chap. 9. is contained the informers punishment, in these Words, It is affented,

Imprisonments by the Privy Council. 103

affented, That if he that maketh the complaint, cannot prove his Intent against the Defendant by the Process limited in the same Article, he shall be commanded to Prison, there to abide till he hath made gree to the Party of his damages, and of the slander that he hath suffered by such occasion, and after shall make fine and ransome to the King. And the Point contained in the same Article, that the Plantiff shall incur the same pain, which the other should have if he were attainted, shall be out in case that his suggestion be found untrue.

And still there is another Law made 42. Edw. III. Chap. 3. In these Words: At the Request of the Commons, by their Petitions put forth in this Parliament, to eschew the Michiess and Damage done to divers of his Commons by false Accusers, which oftentimes have made their Accusations more for revenge, and fingular benefit, than for the profit of the King or his people: which accuted Persons, fome have been taken, and fometime caused to come before the Kings Council by Writ, and otherwife upon grievous pain against the Law. It is affented and accorded for the good Governance of the Commons, That no Man be put to answer without presentment before Justices, or Matter of Record, or by due process, and Writ original, according to the old Law of the Land. And if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for errour.

These are Laws that are as much in force as any Statutes whatever, and ought to be as duly observed: But I beseech you consider to what a degree they have been violated by the Privy Counsel: How have they sent for Gentlemen from all parts of the Nation, upon meer Flamms and Stories?

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#### 104 A Speech against Arbitrary and Illegal

No Man could be quier, but upon any groundless pretence away went a Messenger, to bring up that Man, not considering the great charge and trouble they put the Gentleman upon by it. I will mention only that of Sir Giles Gerrard; he was fent for up by a Messenger to answer to I know not what, a bufinets about a Black Box, and who charged him with it : But when it came to be examined it proved nothing but Town talk, and what a pudder did they make? In our Countrey when a Man makes a great stir about a matter, and it ends in nothing that is fignificant, we fay, Billy bas found a Pin: So I pray what did this hurly burly of the Black Box end in, but nothing that was worth a straw? And to this mighty purpose Sir Giles was fetcht from his House in the Country: And several other Gentlemen have been thus used against Law and Reason. It's strange the Privy Council should not remember the Bill of Habeas Corpus, which passed in the last Parliament, that might have brought to their remembrance these Laws that I have mentioned, and might further convince them how precious a thing we efteem our Liberty: It puts me in mind of the Petition of Right, and what I have heard and read after it was passed, how soon it was violated and broken.

The Privy Council has been very unjust to these Gentlemen whom they have molested by their Messengers, in that they have not made their Accusers to find Sureties to make good their Accusations as the Law requires, 37. Edw. III. 18. for then idle Stories would not be so current by reason of the Punishment inslicted on those false Accusers by \$7. Edw. III. 18. and 38. Edw. III. 9. which

Laws

#### Imprisonments by the Privy Council. 105 Lawes are grounded upon the Word of God, Deuteronomie 19. chap. 18. and 19. ver. But now fuch Fellows as are mentioned in the 37. Edw. III. 18. and in 42. Edw. III. 3. who make their Accufation for Malice, or for Revenge, or fingular benefit, more than for the Profit of the King, or his Feople; thele I fay, shall be allowed to accuse honest Men, though they cannot prove a word of what they fay, and for these devices are we to be forc't from our Habitations to appear before the King and his Council. Methinks it's hard play, and yet what remedy have we left but to fit down and be quiet? But without doubt the Land intended a Redress in these Cases, for 25. Edw. III 4. says, that whatever is done contrary to that Law shall be redress't and holden for none; but it does not tell us how fatisfaction is to be had: But fince it is left uncertain, I hope for the future we shall so order it, that every Man may have relief against this great Oppression, and that I humbly move; for if we let this alone, we leave an Arbitrary uncon-

But I have heard it objected, that if this Power of sending for People be not allowed to the Privy Council, then you put them in a worser condition than any Justice of Peace, because by his Warrant he can send for any body in the County where he lives. I must in the first place deny this altogether; for the consequence is not true: In the next place, I say that the Law is the best Judge of this, whether the Privy Council ought to have such an unlimited Power, and what the Law has determined over and over again ought not to be disputed

troulable Power in the Privy Council, which will never stop till it has made the Law subject to

them.

106 A Speech against Arbitrary, &c.

puted by us; besides it is a thing of dangerous consequence to put Discretion into the Ballance with so many written Lawes which conserve so

dear a thing as our Liberty.

But the Power of the Privy Council is not hereby made less than that of a Justice of Peace; for a Justice of Peace it is to be supposed will not fend out his Warrant but upon a just and reasonable ground: What Justice of Peace ever fent out a Warrant of the good Behaviour against any perfon, but he either first heard the party accused, (which is the juster way ) or else the matter was proved upon Oath? Or when was any Warrant of the Peace iffued out but it was grounded upon the Oath of him that demanded the Surety of Peace? And whatever Warrants or Precepts are granted by a Justice of Peace, they ought to be for just causes, or else he violates his Trust: So the Privy Council may upon a just Accusation send for any person, but without that they cannot, and therefore I do not see wherein a Justice of Peace has a greater power than the Privy Council, or if he had, yet it would not be so great a Mischief, for he can only fend for any person that is in the County; but the Privy Council are not limited to this or that County, but their power extends all over England.

But besides, it is unjust to be punisht without a cause, and restraint or being debarr'd of Liberty is a punishment, and whoever he be that would have the *Privy Council* to exercise this Power, when he has known what it is to be brought up by a Messenger upon an Idle Story, let him then tell me how he likes it, and answer me if he

can.

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## SPEECH

AGAINST THE

# Bishops Voting

In Case of

# BLOOD.

OF all the things that were started to hinder the success of the last Parliament, and is like to be fo great a flumbling-block in the next, That of the Bishops Voting in Case of Blood was and will be the chief Now they that deny that the Bishops have right to Vote in Case of Blood, do labour under two great difficulties; first, because this is a new thing, at least it is very long fince the like Cafe has come into debate: And next, because they are put to prove a negative, which is a great disadvantage. But Truth will appear from under all the falle glosses and umbrages that men may draw over it: And I doubt not to make it evident, that the Bishops have no right to Vote in Case of Blood, at least I hope I shall not be guilty of obstinacy if I do not alter my opinion till what I have to fay be answered. It

It is strange the Bishops are so jealous of their Cause as not to adventure it on their great Diana the Canon) Law; by which they are expresly forbidden to meddle in case of Blood. Perhaps they would do by the Canon Law, as it is faid by the Idolaters in the Old Testament, that part of the timber they made a god and fell down and worshipped it, the rest of it they either burnt in the fire, or cast it to the dunghil: For they tell you that the Canon Law was abolisht by the Reformation, and that none but Papists yeild obedience to it; and therefore now they are not tyed up by the Canon Law, but may fit and Vote in case of Blood if they please. I should be very glad if they were as averse to Popery in every thing else, and particularly that they would leave Ceremonies indifferent, and not contend fo highly for them, whereby they make the breach wider, and heighten the differences among Protestants; in the doing of which they do the Pope's work most effectually. I wish they would confent to have a new Book of Canons; for those that are now extant are the old Popish Canons. I like Bishops very well; but I wish that Bishops were reduced to their primitive Institution; for I fear whilst there is in England a Lord Bishop the Church will not stand very steddily. But I will leave this (though I need fay no more) and proceed to other thingsthat are very clear as I conceive.

My Lord Cook in the Second Part of his Institutes, the first Chapter, treating of Magna Charta, when he reckons up the Priviledges of the Church, he tells us, that Clergy-men shall not be elected or have to do in secular Office; and therefore he tells us, that they are discharged of such and such burdens that Lay persons were subject to; and good

reason

reason it should be so, that they might with greater eafe and fecurity attend the business of their Fun-Ction, that is, to govern and instruct the Church: But whether they had these Immunities granted them, that they might study the Pleas of the Crown and Law Cases, or else that they might apply themselves to the work of the Ministry, let any Man judge; for faith he, Nemo militans Deo implicet se negotiis secularibus: And if to sit and judge in case of Blood be not a secular Matter I have no more to fay; and I hope my Lord Cook's Authority will be allowed.

And because as I conceive that my Lord Cook's Authority may pass Muster in this point; I will offer fome things out of him, that will make it evident that the Bishops are only Lords of Parliament, and not Peers, and if fo, it is against the Law of England for them to fit and judge upon any Peer for his Life; for the Law fays, that eve-

ry Man shall be tried by his Peers.

In the Second Part of his Institutes, the first Chapter, he tells us, that every Arch-Bishop that holds of the King per Baroniam, and called by Writ to Parliament, is a Lord of Parliament: But in the 14th. Chapter, when he reckons up who are Pares in the Lords House, he says not a word of the Bishops, but repeats all the other Degrees of Lords, as Dukes, &c. And without doubt he would not have made so great an omission if the Bishops ought to have been taken into the number.

Besides this, if the Bishops be Pares, how comes it to pass that an Act of Parliament shall be good to which their confent is not had, passed by the King, Lords Temporal, and Commons? But it was never allowed for an Act of Parliament where



the Lords Temporal had not given their Vote: And for proof hereof fee my Lord Cook in his Chap. De Asportatis Religiosorum, where he gives you feveral Instances of Acts of Parliament that

passed and the Bishops absent.

But then in the Third Part of his Institutes he there puts the matter out of all controversie, and shews that Bishops are to be tried by Commoners; for fays he, in the fecond Chap. treating of Petty Treason, None shall be tried by his Peers, but only such as sit there ratione Nobilitatis, as Dukes, &c. and reckons the several Degrees; and not such as are Lords of Parliament ratione Baroniarum, quas tenent in Jure Ecclesiæ, as Arch-Bishops, and Bishops, and formerly Abbots and Priors; but they (faith he) hall be tryed by the Country, that is by the Free-holders, for that they are not of the Degree of Mobility. So that with submission this is as clear as any thing in the World.

If the point be fo clear that the Bishops may Vote in cafe of Blood, it would do well that fome Presidents were produced, by which it might appear that they have ever done it, at least that they have made use of it in such times when the Nation was in quiet, and matters were carried fairly; for Instances from Times of Confusion or Rebellion, help rather to pull down than support a Cause: But my Lord Cook in his Chap. (that I mentioned even now) De Asportatis Religiosorum, gives you feveral Prefidents where the Bishops when Capital Matters were to be debated in the Lords House withdrew themselves, particularly 2 of Rich. 11. the Arch-Bishop of Canterbury made a solemn protestation in the Parliament for himself and the Clergy of his Province, for that Matters of Trea-

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fon were to be entreated of, whereat by the Canonical Law they ought not to be present; they therefore absented themselves.

But in regard I have hitherto voucht my Lord Cook for what I have faid, I defire that it may be observed that he wrote since the Reformation, and what was Law when he wrote is Law at this day, unless it be changed by some Act of Parliament made since; and therefore he that denies my Lord Cook to have written Law must produce some Act of Parliament whereby it does appear that the Law is altered since his time. Besides this, the Bishops and other Clergy were called to Parliament very uncertainly, sometimes more, sometimes fewer, and sometimes none at all, as it was in Edw. I. time.

Therefore feeing the cafe to be thus, That the Bishops are not Peers but only Lords of Parliament, That an Act of Parliament is good though they be absent, That they are to be tried by Commoners, And that when Capital Matters were to be debated, they have withdrawn themselves, declaring at the same time that they ought not to have to do in fuch things, And alfo, that they have not fo absolute a Right ro fit and Vote in the House as the Temporal Lords have, because they are called to Parliament fo uncertainly; I shall be glad to hear what can be faid to make their Right unquestionable: But if all this were fet aside, yet it remains on their part to prove that they have fate in Judgment upon the Peers. I am apt to believe, they will be hardly put to it to produce any Prefident out of good Times, when the Nation was in quiet, and the Law had its course; Nay, I think they can scarcey find any, that the Proceeds of

that Parliament when it was done, were not repealed by Act of Parliament, and stand so at this day: And I should also be glad to see that when a Peer has been tried out of Parliament that any Bishop was ever nominated to sit upon that Lord accused; for out of Parliament if a Peer be tryed for his life it is by a felect Number named by the King; and if the Bishops have Right to sit and Vote upon the Peers, it is strange methinks that there is not any Instance to be found, where the Bishops or any of them have been named to Judge a Lord out of Parliament. Now the reason ( as I conceive) how this comes to pass is, because it was never known that a Bishop was tried by the Lords out of Parliament, and therefore they cannot try a Lord out of Parliament, because they are not Peers; for the Lords have never tryed any Bishop but in Parliament, and that was always upon Impeachments, and not otherwise: And upon an Impeachment they may try other Commoners as well as Bishops.

Besides this it is plain, that the Clergy, even in the time of Popery, would not have to do with Blood in any case whatsoever: For when they engroffed all Offices and Places of Honour or profit, you shall not find any Bishop that was Lord Chief Justice of the Kings Bench, or Judge of any Court where Mens Lives were to be meddled with; and the Clergy were not fo ignorant or backward in their Interest, as to let slip such profitable places,

had it fuited with their Function.

I have often confidered with my felf, what it is that has induced fo many of the Temporal Lords to contend for the Bishops in this case: I cannot perceive but that it is against themselves that they

ftrive;

ftrive; for without doubt, the fewer that the Temporal Lords are, the more confiderable they are, and why they should strive to make themfelves less I cannot comprehend; neither can any reason be assigned but that which is obvious to every Mans Thoughts: That there is some secret power that governs their Lordships in this Affair: But without doubt this powerful hand would not be able to turn the Scales fo very much, if Nobility had been bestowed only on such as deserved Honour. But when Interest prevails above Merit, no wonder that a Word or a Look do command fo absolutely; And yet there is this to be faid for the Lord's House, that there are a great many Lords who retain the Worth and Honour of their Ancestors: That notwithstanding being frowned upon, displaced, and all possible discouragements, yet have they shewed themselves to be Men of English Principles; that they will ferve the King as Englishmen, but will not give up any of their just Rights to please him.

If the Bishops had never so clear a Right in this matter, the it is to be consider'd, that whatever Right they have, that it was gained in the times of Superstition and Blindness, when the Clergy Usurped and Lorded it over the Nation; and therefore in regard that England has now recovered its Eye-sight and Understanding; they are very unthankful if they do not reduce every thing to its proper Station: And if the Bishops are prohibited by a Law not to Vote in Case of Blood, or are abridged in any other Matter where the Interest of the King and People require, yet the Church is not prejudiced, for my Lord Cook tells us in the

fecond part of his Institutes

Nec debet dici in prajudicium Ecclesia libertatis,

114 A Speech against the Bishops Voting, &c.

and People that the Bishops shall not Vote in case of Blood, I submit to any Man that wishes well to

England.

Now I would fain be fatisfied why our Bishops are more forward to have to do in case of Blood, than the Bishops and Clergy in the time of Popery, it's plain they always declined it; but ours will adventure a Kingdom upon it: It's true they will withdraw upon the Tryal of the Five Popish Lords, but they will not upon Tryal of my Lord D- - s Pardon, yet thus far they condeicend, that when Judgment is to be pronounced, they will withdraw: Very well, First it is confessed on all hands, that if my Lord D - s Pardon do not hold good, he dyes for it: And next I would willingly understand the difference in this case, when a Man is tryed for his Life before feveral Judges; and all of them, though he is Innocent, refolve that he shall be pronounced guilty, but they withdraw themselves, and leave one of their Brethren to pass the Sentence: Now the question is, Whether the rest that were absent are not as guilty of shedding Innocent Blood, as he who pronounced the Sentence: And fo on the contrary, for any other thing whatever: And whether this does not reach the case in hand I humbly submit: But the truth of the matter is, the Bishops do know that if my Lord D \_\_\_\_\_ s Pardon be allowed, then Arbitrary Power comes in with a Powder: And then will be their Harvest, and here's the short and long of the case: And therefore the Parliament must never yield that the Bishops shall Vote in case of Blood; for the consequence of it will be to alter the very Frame of our Government, and curfed be he that removes his Neighbours Landmark.

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## SPEECH

AGAINST THE

## PENSIONERS

IN

# K. Charles II. Reign.

Matters in agitation, and the inquiry they made about the Pensioners of the preceding Parliament was no small one, but rather one of the chief things they had in hand; for had they been permitted to have perfected that, it had been a good recompence for the disappointment which the Nation sustained in their other expectations, by the suddain Prorogation: And without all question, nothing is fitter for the thoughts of a Parliament, than to take into consideration how to punish them that had proved the Pest, and had almost (if not altogether) ruin'd the Nation; and how to prevent the like mischief for the future.

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Breach of Trust is accounted the most infamous thing in the World, and this these Men were guilty of to the highest degree; Robbery and Stealing our Law punishes with Death, and what deserve they who beggar and take away all that the Nation has, under the Protection of disposing of the Peoples Money for the honour and good of the King and Kingdom: And if there were nothing more than this to be said, without doubt they deserve a high censure.

Besides the giving away such vast Sums, without any colour or reasonable pretence: There is this great mischief will follow upon it: Every man very well knows that it has put the King into an extraordinary way of expence: And therefore when he has not such great supplyes, it must of necessity bring the King into great want and need: And shall not only give him an ill opinion of all Parliaments that do not supply him so extravagantly, but perhaps put him to think of ways to get Money that otherwise would never have entred into his thoughts; so that whatever ill may happen of this sort, these Pensioners are answerable for it.

Enemies, whoever will invade may not doubt to fubdue us: For they have taken from us the Sinews of War, that is Money and Courage, all our Money is gone, and they have exhausted the Treafure of the Nation, and when People are poor,

their

their Spirits are low, fo that we are left without a defence, and who must we thank for bringing us into this despicable condition, but these Gentlemen, who notwithstanding this had the face to ftyle themselves the Kings Friends, and all those who opposed their practices were Factious and Seditious. They had brought it to that pass that Debates could not be free, if a Gentlemans Tongue happen to lye a little awry in his Mouth, presently he must be called to the Bar, or if that would not do, whenfoever any Gentleman that had a true English Spirit happen'd to fay any thing that was bold; prefently away to feek the King and tell him of it; and often times more than the Truth: And thus they indeavoured to get an ill Opinion in the King of his best Subjects: And their practice was the more abominable, because their Words and Actions gave the occasion to force those imart Expressions from the Gentlemen that spoke them, for their honest hearts were fired with true Zeal to their King and Countrey, when they beheld the impudence and falfeness of those Penfioners.

It's true we find that in or about the 10th year of Richard II. it was indeavoured to get a Corrupt Parliament; for our English Story fays that the King sent for the Justices and Sheriss, and enjoyn'd them to do their best, that none should be chosen Knights and Burgesses, but such as the King and his Council should name, but we find it could not be effected.

The next that occurs to my thoughts is that in the 4th year of Henry IV. the Parliament that was called at Coventry, named the Lay-mens Par-

3 liament;

liament, for the Sheriffs were appointed that none should be chosen Knights or Burgesses, that had

any skill in the Laws of the Land.

The next that I remember is that in Henry VI. time, in the year 1449, or 50, when the Duke of Suffolk was Accused by the Commons, and Committed to the Tower, the King Diffolved that Parliament not far unlike our case of my Lord D --- , but it differs in this, that Suffolk was Committed to the Tower as of right he ought, but we were deny'd that Justice against D. ---, only Henry VI. made the cales thus far even that he fet Suffolk at liberty after he had Diffolv'd that Parliament: Soon after a Parliament was called, wherein great care was taken in choosing of Parliament Men that should favour Suffolk: But they fo far failed of their purpose, that his appearance at the Parliament gave great distaste to the House of Commons, and they were fo far incenfed, that they began the Parliament with a fresh Accusation against him and others: So that you may fee that it was not in the power of the Court to corrupt the House of Commons.

In the time of Henry VIII about the 20th year of his Reign when the Parliament was active against Pluralities, and Non-Residence there was an Act passed to release to the King all such Sums of Money as he had borrowed at the Loan, in the 15th year of his Reign; it's said that it was much opposed, but the reason that is given why it passed is, because the House was mostly the Kings Servants; but it gave great disturbance to the Nation: And this is the only case that I can remember that comes any thing near to our Pensioners; but we cannot

find

find that they or any Parliament took Money to Vote: So that we must conclude that there was never any Pensioners in Parliament till this Pack of

Blades were got together.

Therefore Sir, what will you do? Shall these Men escape, shall they go free with their Booty: Shall not the Nation have Vengeance on them, who had almost given up the Government: It was they who had perverted the ends of Parliaments: Parliaments have been and are the great Refuge of the Nation, that which cures all its Difeafes, and heals it Soars: But the Men had made it a Snare to the Nation, and at best had brought it to be an Engine to give Money; If therefore these go away unpunisht, we countenance what they have done, and make way to have Pensioners in every Parliament; but far be any fuch thought from any Man that fits within thele Walls: And having faid this, I will in the next place humbly offer my thoughts what is to be done.

In the first place I do propose that every Man of them shall on their knees confess their fault to all the Commons, and that to be done at this Bar

one by one.

Next, That as far as they are able, that they refund all the Money they have received for fecret Service. Our Law will not allow a Thief to keep what he has got, by stealth, but of course orders restitution, and shall these proud Robbers of the Nation, not restore their ill gotten goods?

And lastly, I do propose that they be Voted incapable of serving in Parliament for the suture, or of injoying any Office Civil or Military, and

4 order

#### 120 A Speech against Pension rs, &c.

order a Bill to be brought in to that purpose: For it's not fit, that they who were so false and unjust in that Trust, should ever be trusted again: This Sir is my Opinion, but if the House shall incline to any other way, I shall readily comply, provided a sufficient mark of Insamy be set on them, that the People may know who bought and Sold them.

A SPEECH

A

### SPEECH

For the Sitting of

## PARLIAMENTS,

And against

# FAVOURITES.

A King of England at the head of his Parliament is in his full strength and power, and in his greatest Splendor and Glory: It is then that he can do great things, and without a Parliament he is not very formidable. Therefore when Kings leave off the use of Parliaments, and rely upon the Advice of particular Favourites; they forfake their chiefest Interest, they lay aside the Staff that fupports them to lean upon a broken Reed that will run into their hands; and this is proved by the Example of former Kings: What Kings perform'd fuch Enterprizes, and did fuch wonderful things, as those who still consulted their Parliaments? And who had more the Command of the Peoples Purses than those Kings who met the Natives frequently in Parliament? As Witness Hen. I. Edw. F. Edw. III. Hen. V. Hen. VIII. Q. Eliz. and what Kings were fo mean and obscure, despited by

their Neighbours and abhorr'd by their Subjects as those who lest off the use of Parliaments and doted upon their Favourites: As witness Will. II. King John, Henry III. Edward II. Richard II. Henry VI. And I think it's undeniable that when the King leaves off Parliaments he forsakes his Interest, he refuses the good and chooses the bad.

I wish it could not be faid that for two years last past, the use of Parliaments has almost been laid aside: It's too true that Parliaments have been delayed, and there is but a little between delaying and denying, and the first step to a denyal is to delay: Every Man knows the great need we have had of a Parliament these Seventeenth Months, and why has it not met till now: It's very well known how earnestly it was defired by all good Protestants and true Englishmen, and what applications have been made to His Majestie that it might fit; and it could not be obtain'd till now: And it is not to be forgotten how often it has been Prorogued, and the Notice that has been given to the Nation of the feveral Prorogations; the first time that we heard of them was by the Gazett, in which is feldom any thing of truth, and then out comes a Proclamation for a Prorogation about a day or two before the day of meeting: When Gentlemen have disposed their Affairs that they may attend at the Parliament, and possibly were on their Journey towards London, upon the Road they meet the News of the Prorogation, very good usage, and there is nothing to be said in Justification of fuch short Notice, but that when His Majesty by His Proclamation had appointed a farther time for the meeting of the Parliament, that in plain English

English no Man must believe it would meet: For if Gentlemen did believe it, they would prepare for it, and if they are prepared, it's but reasonable that fufficient Notice should be given to prevent them: Certainly they who advited the King in this matter, intended that none of His Majesties Proclamations should have any credit: For His Majesty he put out several Proclamations against the Papists, and we see how they are regarded, not the least obedience yielded to them: And this giving of fuch short notice, was certainly done on purpose that those Proclamations should neither be obeyed nor believed: Thus is the K. abused, thus does he loofe the hearts of his People, and thus is the Nation abused: What will become of us when we cannot believe what His Majesty fays: Out of Parliament the King cannot speak to his People in a more notable way than by Proclamation, and as the matter is order'd thefe are not regarded : In a Subject nothing is more Infamous, than to fay of him, that his word is not to be relyed on, he does not regard what he fays: And therefore what Villains are they, who by their Advice, do bring the King but into the suspition of it.

This delaying of Parliaments feems to portend the laying of Parliaments afide; and if fo, an Army will follow, for the King must govern either by a Parliament or an Army, for one of them he must have; now the way to get rid of Parliaments is this: First, Although they meet sometimes, yet something must be started to hinder their success, or if that wont do, Prorogue or Dissolve them before any thing be sinisht, and thus Parliaments will be made useless, and this being done, it will 124 A Speech for the sitting of Parliaments,

not be long before they become burdenfome, and

then away with them for good and all.

Kings only then grow out of conceit with Parliaments when their Favourites are so overgrown, and their Actions are so exorbitant, that they will not indure to be scann'd by a Parliament: And therefore to save themselves, they perswade the King to keep off the Parliament, though it be to his great hurt: For the last Trump at the Day of Judgment will not be more terrible to the World, than the sound of an approaching Parlia-

ment is to unjust Ministers and Favourites.

That State is fick of a grievous Distemper when Kings neglect their Parliaments, and adhere to Favourites, and certainly that woe is then fallen upon that Nation which Solomon denounces; for fays he, woe to that Nation whose King is a Child: And without question he meant a Child in Understanding, and not in Years: We have had in England Kings who when they were Children, by the help of a wife Council have govern'd very well: But after that they took matters into their own hands it went very ill with England, as Richard II. Henry VI. who whilest they were Children, the Government was steer'd aright; but their understanding not growing as fast as their Years, they assumed the Government before they were ready for it; and fo managed matters, that it's better not to name them, than to reckon them in the Catalogue of the Kings.

And there is yet another reason why great Favourites should advise against Parliaments: Kings that dote too much upon their Favourites, do for the most part pick up mean Men, people of no Fortunes or Estates, upon whom it is that they

place

place their favour to so high a degree: And therefore it's for their Interest to advise the King to govern by an Army, for if he prevails, then they are sure to have what heart can wish; or if he fail, yet they are but where they were, they had no

thing, and they can loofe nothing.

There is no Man but very plainly fees, that there are People about His Majesty who advise him to shake off the Fetters of the Lawes, and to govern Arbitrarily, and I wish that their Advice have not prevailed for the most part, yet I think His Majeflies own Inclinations, do not bend that way, for he feems to love quiet and eafe, which no Prince can have that Rules by an Army: Therefore before we can expect that His Majesty will come in to us, these People of Arbitrary Principles must be removed from his Throne; for whilest there are the fame Advisers, we must expect the same Advice whileft there are the fame Councellors, we must expect the same Results: And this alone will not do it, it's but the first step to our happyness, the Principles or Maxims of State must be removed, it's not taking away this or the other Man, and putting in another to act by the fame Rules that will cure our Difease; but it's the change of Principles that must do it.

You may remember in the last Parliament the change that was made in the Privy Council, and Ministers, and upon the first news of it, I met with a Gentleman that had a great Service for White-Hall; says he, I hope now you are pleas'd, what can you expect more from His Majesty? I replyed, I like it well, yet not so very well, for said I, all is well that ends well, for all is not Gold that glisters: I am not sure, that these Men that

126 A Speech for the sitting of Parliaments,

are put out have not left their Principles behind them, when those are gone I shall like it very well: The Man was angry, and slung away, saying, you are hard to please, and says I, you are

easie, and so we parted.

And I pray you, how much Wooll have we had after all this cry, what benefit have we reaped by that change: Do not we fee that unless they would act by the Maximes of their Predecessors they must do nothing, and therefore several did desire leave to go off: Some of these worthy Lords and Gentlemen that did so are now in my eye, and I shall ever honour them for it: I cannot forget the promises made to the Parliament at the same time; and how well they have been kept.

Therefore I think it's very plain that till these Principles are removed from White-hall, that all our labour and pains will end in nothing: The way then as I conceive to do this, is to lay before His Majesty the state of the case, let us shew him, how unable these Men are to serve him, and how destructive to his Interest it is to follow their Advices; and that he can be Sase and Great only by

closing with his Parliament.

Would His Majesty be Safe, alas what can his Creatures do, just nothing, they have no Power, nor have they Will further than it serves for their own advantage: But His Majesty is safe in his Parliament, for it is the Interest of every Man in England to preserve and defend His Majesties governing by his Parliament.

Does he want Money to make him easie? I pray what can he expect from the Catterpillers his Favourites, their care is not how to serve him, but to

make

make their own Fortunes: But from his Parliament he need not want very plentiful supplies to preserve the Honour of himself and the Kingdom: Would he maintain his Dominions and Rights. what can his Creatures do, but when he closes with his Parliament, he can neither want the Heads, Hearts, and Purses of his People to serve him: fo that whatever His Majesty would have, it is only to be had by his Parliament: For his Favourites cannot in the least contribute to make him Safe or Honourable; or whatever elfe a King may want or defire: All the Use a King can have from His Favourites, is to have Stories and Lies to fet him at variance with his People. I hope when the Case is laid before His Majesty, that he will close with us; but if his Judgment is so prepossessed that it will not convince him of his Interest, then we must conclude that it is with him as it was with Rehoboam, who forfook the Council of the Old Men, and inclined to that of the Young Men, who councelled him to tell the People that his little Finger should be thicker than his Fathers Loynes: And I pray what was the effect of that huffing Speech? Why Ten Tribes were taken from him, and it was not his Young Men that could recover them for him again; neither was it without a Parliament that his Majesty was brought into England, I hope his Majesty has not forgot it.

Let them advise what they will, but I am consident they will think on't a good while before they will adventure to put those Arbitrary Councils into Execution; it will prove a hot matter to handle: For though I hope no Man here will lift up his hand against His Majesty, yet we may oppose



#### 128 A Speech for the sitting of Parl. &c.

any Man that does feek to invade our Properties: And for my own part I will Pistol any Subject, be he the greatest in *England* that shall indeavour to deprive me of my just Right: Let us do what we can to effect an Union between the King and his People, and leave that Success to God Almighty, and his will be done.

A SPEECH

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### SPEECH

On the Occasion of some

## JUSTICES

Being put out of

# COMMISSION.

I Was in hopes that some Gentlemen would have prevented me in what I have to say, for I sear the House is under a great mistake as to those Gentlemen of the House who are put out of the Commission of the Peace: For it is to speak to that chiefly I stand up: I acknowledge that it is an unanswerable thing that other Gentlemen were put out, but no doubt it was upon very weighty and warrantable grounds that the Gentlemen of the House were put out.

For without doubt His Majesty, or who he be that advised him to it, did think it reasonable, and were sensible that we who attend the service of our Country in this place, do spend our Time and Money, and neglect our own Affairs, and therefore when we come home, its fit that we have a time of rest, and that we be eased both in our Bodies and Purses, and be at leasure to settle our own con-

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cerns,

#### 130 A Speech on the Occasion of some

terns, and not that we should be toffed from one chargeable and troublesome Imployment to ano. ther: So that we have great cause to be thankful for the care that is taken of us.

Besides, there is a further regard had to us; for this is a dangerous time to put the Laws in Execution against the Papists, because there are Exambles where Magistrates some have been murdered, others attempted to be affaffinated for putting the Laws in Execution against the Papists, and because we appear'd to be zealous in it, therefore this care is taken off us; I suppose that might be the chief reason why I was put out, because I have help't to convict above Five Thousand Papists in Lancalbire.

And furthermore it was necessary to know how we stand in the thoughts of our Countrymen, whether they have a good opinion of us now we are turn'd out of Office, because it look't like a design'd disgrace: For my part it has gain'd me ground, and I believe every Gentleman else finds his Countreymen not to esteem the worse of him, I rather think better, therefore feeing our Countreys believe us to be honest Men, there's no great question but we shall be in great esteem at Whiteball, now they have had this Tryal of us: For White-hall is very apt to incline to the opinion of the Country: And that Cart is not well upon the Wheels, when it is otherwise.

Therefore for my part I am very thankful that I am put out. I'le affure you I find my Purse the fuller for it, and I find my Countrey to pay me altogether as much respect, if not more than formerly: There is but one thing that I grudged to part with, and that was the Office of Enfros Rotu-

Lorum

Justices being put out of Commission. 131

lorum which had been in my Family for feveral Generations, and for that I hop'd a particular reafon might have been affign'd why they took it from me, but from that day to this I cannot learn what was the cause: It's gone, and farewel it: And that's all the loss I had by being put out of the Commission of the Peace: I have done with our felves, and now give me leave to fpeak a little concerning other Gentlemen who are put out, and no

reason given for it.

When any Gentleman is made a Justice of Peace, it is out of respect to him, and for the good of the Country, because he is supposed to be honest and able, and without dispute no Man ought to be put out; but either that he is unfaithful, unwilling to do his part, or else he does not understand it: And it's a great injustice to any Gentleman to put him out without hearing him; for to judge a Man unheard is not allowed by the Law. And what is it, but to judge a Mans Reputation a thing most dear to every honest Man: For in any Age but this it would be a great reflection upon a Gentleman to be turn'd out of the Commission of the Peace: But God be thank't the Nation fees very plainly who and what fort of Persons rule the Rost: By all the inquiry I can make I do not find that any Man is put our, but fuch as were very active against the Papilts, fuch as are against Arbitrary Power, and fuch as approved of the Bill against the Duke: I wish they would give the reason why one Gentleman was put out in my County, for besides my felf there are but two put out, the one was newly put in, and had not a ted, the other is an Ancient Justice of Peace, and a Man that cannot be reprehended in relation to the discharge of his trust; without

132 A Speech on the Occasion of Justices, &c. without reflection or diminution to any Man, I think he knows the work of a Justice of Peace as well as any Man in England, I except no Man: And for his Integrity he may fet all Men at defiance to accuse him of the least partiality in the discharge of his trust: And I do know that no Man made it more his business than he did, that he might ease and ferve the Country: For as his Ability was not Inferiour to that of any other Man, so did he most duly put the Laws in execution, especially those against the Papists: And therefore Sir on the behalf of my Country I must complain, and demand to know the reason why he was put out, we are greatly hurt, we are deprived of a great affiftance and relief, and we cannot be quiet till we are fatisfied in that particular : And my Lord Chancellor or the Privy Council (whichfoever of them it is that put him out) will they not tell us why? Are they asham'd to own the cause? What will it not bear water? I hate this as I do Arbitrary Power and Popery: Erave World, that we must be debarr d of the benefit of our Laws, for if they are not executed they fignifie nothing: It is that which gives Life to our Laws: And they that do execute them are put out of Office, this is a fair step to Arbitrary Power, to deprive us of the benefit of the Law. It is the fame thing not to have Laws, as to have Laws and not executed: I fay no more, least I may feem to fpeak in my own case, for I do not desire to have any thing done as to my own particular, but as to the Gentleman whose Character I have given you, and his Name I will acquaint you with, it is Sir Thomas Manwaring, you must give me leave to be importunate, and press it again and again, that he may be again put into the Commission of the Peace.

# SPEECH

For Banishing the

## PAPISTS

Would be as backward to commit oppression, as I will be to do any thing that God has forbidden me: For in all our Actions betwixt Man and Man, both Publick and Private, if we observe that Golden Rule, to do as we would be done by, we cannot err: And if my Conscience should tell me that I transgress'd that Law when I give my Vote to banish the Papists I'll affure you I would not violate either that Rule or my Conscience; I would now be filent, and give my Vote the other way.

But that Rule does not so strictly tye us up, as that we must forget our felves, our Posterity, our Laws, or our Religion, it does not oblige any Man to hurt himself to fave another; neither does it require that a whole Kingdom shall be lost to save particular Men: For Charity begins at home; but when the Papifts are confidered in their Principles and Practices, then let any Man deny if he can, that the Papifts themselves are not the cause of whatever happens to them.

I will mention but one or two of their Principles, because I doubt not but every Gentleman here

is very well informed of them.

The

#### 134 A Speech for Banishing the Papists.

The first that I will speak to is this, That Faith is not to be kept with Hereticks: And this Liberty extends to every thing, both as to Religion, and Worldly Affairs: It's the same thing to them whether they speak Truth or no when they have to do with a Heretick, as they esteem every Man that is not of their Faith, so that you cannot tell when to believe them, nay, though they swear it, for to Equivocate is a great part of their Religion.

The next is this, That it is meritorious to promote their Religion, without regard had to the way or means of effecting it; though it be by Butchering their King, Murthering Father or Children, prostituting their Wife, or overthrowing the Government: Be it never to unnatural or repugnant to Gods Commands, and agreeable to these two are all the rest of their Principles: So that I would fain fee how it is possible to live in quiet with a People whose Religion obliges them to destroy all Converse or Humane Society, to Murther their Neighbours, Affassinate their King, and Subvert the Government when it is in their Power; for my part I cannot fee how they can or are fit to live, but with People of their own Faith and belief: Brutes and Christians can never live and Converse together; for none but Men of their Principles can live in fafety with them.

And agreeable to their Principles has been their Practice all along: What Rebellion, or to use their own word, Commotions have we had, but their hand has been chiefly in it: I know they would cast the Odium of the late Wars upon the Presbyterians, they may well be afforded to lye for their Cause, who will do every thing else for it, though never so Inhumane or Unnatural; they

may well deny that Plot, when they have the Impudence to deny this, and to cast this also upon the Presbyterians; but why should they not lye in these cases, whose Religion is a Lye: But it's very well known who began the Late War, there is no Man but is sensible that the Papists carryed on the business against the Scots: It is too notorious that a great Woman imployed her Agents to the Papists, to incourage them to contribute to that Work: I'll not name her, because of the Act of Oblivion, and besides She is dead: I believe every

one knows who I mean.

The Papists have renounced the Government, they have forfeited the Benefit they might have by the Laws, in that they will not take the Oaths of Allegiance and Supremacy, or when they do fwallow them, it is with fuch Mental Evafions, that they don t think themselves to be obliged or bound by them, which in effect is a denying them; and what are these two Oaths, but a reasonable Security that the Government requires them and all others to give; and he that denyes to affure the Government that, he will to the best of his power maintain it, does in plain English acknowledge another power, and that when he has an opportunity he will do his best to destroy this, and bring in that: Is that Government obliged to preferve them, who will destroy it? Are they to have any benefit of the Laws, who will not obey them? They have renounced the Government, they have denyed the Kings Authority, and therefore they are to be used as Enemies to both; and then what feverity is it to banish such People?

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#### 136 A Speech for Banishing the Papists.

For what must we do? It's plain that whilest they are here we shall never be in quiet; there is fomething in their Religion that obliges them to be unquiet; for what reason had they at this time to plot or diffurb us, had not they all things at Hearts-ease; they cannot expect to be in so good a condition if they had a Prince of their own choofing; they were free from all chargeable and troublesome Imployments and Offices, their Estates were not burdened with the Forfeitures due by Law, an easie hand was layed upon them, and the way to preferment was by being of their Religion, they had got into almost all the profitable Imployments, they were above, and we below; they had what they defired, and yet all this would not do.

But if this be too much, then let us do with them as the Children of Israel did with the Gibeonites, they had made a League with them, that they should live amongst them, but least they might do them harm: They made them Hewers of Wood and Drawers of Water, Joshua 9. notwithstanding the League: And if the Papists must live amongst us, let us give their Estates to the King to ease our own, and reduce them to such a Condition, that since they will not live at peace with us, let us put it out of their power to hurt us.

If they must live amongst us, and have their Estates, I shall humbly propose that we may know them, let them wear a particular Habit, or carry some Mark whereby they may be distinguish't from the rest of the Nation: In Rome the Whores wear a peculiar Garb: In the time of a Plague we set a Mark upon the House that is Insected; and shall these People have none, who are

A Speech for Banishing the Papists. 137 the Pest of the Land, it's to them that we owe all our Disquiet; and let us know how to avoid them: I cannot think of any other way how to be secure against them; we have no great benefit by convicting of them; kissing goes so much by savour, and they are so tender a place that this Man and the other is pickt out to be exempted from the Penalty of the Law, there is such Picking, that sew are lest: These are my Thoughts, and if any thing I have proposed may be of use, I am very glad of it; if not, I hope I shall have your Pardon for troubling of you.

A SPEECH

A

### SPEECH

OF THE

#### CORRUPTION

OF THE

### JUDGES

Here is not under the Sun a better (if so good) a Government as ours: But the best constituted Government in the World is subject to one great fatality, and that is, whatever benefit we have by the Laws, at least most of the Priviledges we enjoy by it, depend upon the Will and Pleafure of those who are to see to the execution of the Laws: For Laws that are not put in execution are vain and empty things, fignifying nothing; for Execution is the Life of the Law, and without that they are a dead Letter: Laws unexecuted are not far unlike to a Gun which if rightly used is a Weapon of great defence, but otherwise of no great use, and if it be charged, it may do much mischief, unless it be levelled at the right mark: So our Laws, if they are not executed, what advantage arises to us more than from a wast paper? And if they are made use of, yet if they are not directed to their proper end, they may hurt those they ought not: So that it is out of doubt that they who

are intrusted with the execution of the Laws; it is an indispensable duty incumbent on them, that they take care not only that the Laws be duly put in execution, but also that they pursue their proper end and design, in short, that neither the Innocent be condemned, nor the guilty acquitted; Therefore the execution of the Law is so clear and undoubted a right of every Subject, that no power whatever can dispense with it: And they whose Duty it is to see it done; if they either pervert or hinder the Law from having its course, are highly criminal, and ought to be called to a strict account about it.

Having said this, I will in the first place tell you something of the Law in this case, and next give you some account of the practice of our Judges and other Officers of Justice, and then let any Man say if he can, whether the Nation at this day

has not great cause to complain.

Currat Lex, Fiat Justicia, is the Life and end of our Government, and when the Law has not its Course, and Justice is not done, then there is a dissolution of it: And he that will peruse my Lord Cooks Exposition upon Magna Charta, shall find that it is a Fundamental and Ancient Right of the Subject that Justice is not to be delayed or denyed.

In the fecond part of my Lord Cooks Institutes, the 11th chap, on Magna Charta, he tells us, lest any Party that hath right should be without remedy, or that there should be a failure of Justice, therefore Statutes are always so to be expounded, that there should be no failure of Justice, but rather than that should fail out, that Case (by construction) should be excepted out of the Statute.

In the 29th Chap on Magna Charta, Nulli negabinus aut differenus Justitiam vel ratum, and that by no means, Common Right, or Common Law should be disturbed, or delayed, no, though it be commanded under the Great Seal, or by any Command whatsoever, either from the King, or any other, and this is backt or seconded by a Statute made the Second of Edw. III. chap. 8. which says thus, That it shall not be commanded by the Great Seal, nor the Little Seal to disturb or delay Common Right: And though such Commandments do come, the Justices shall not therefore leave to do Right in any point.

In his 2d Chap. on the Statute of Gloucester, he calls Delay the great Enemy to Justice: In his 24th Chap. on Westminster 2d. Ne querentes recederent a curia sine remedio: And that is supported by a Statute made the 13th of Edw. I. Chap. 50. where it tells us that no Man shall depart from the Kings

Court without remedy.

In the 25th Chap. on Westm. 2d. Dominus Rex Voluntatem habens ut celeris siat Justitia: And the reason hereof is given, for Expedit Reipublica ut sit

finis litium.

And by a Statute made the 9th of Hen.III.ch. 29. It is enacted that Justice shall not be denyed or deferred: Therefore having said this, I think I need say no more to prove that Justice or Right is not to be sold, deny'd, or delayed; And let any Mandeny if he can, whether our Judges have not transgress'd in all these? Has not Justice been Sold, and perverted; Witness the Acquittal of Sir George Wakeman, Sir Tho. Gascoines, and Mrs. Cellier? Has not Justice been denyed; Witness the abrupt dismissing of the Grand Jury when an Indicament

was to have been given in to have proved the D. of r - a Papist, and to prevent that great fervice to the Nation; the Jury was dismiffed, notwithstanding they had several other Bills of Indictment in their hands; by which Justice was not only delay'd, but deny'd: And how many Inftances more are there of this kind; Nay, the Contagion has spread so far, that it is more difficult to find a Case without these, or some of them, than to produce multitudes of Cases where Justice has been Sold, Deny'd, or Delay'd: So that our Judges have been very Corrupt and Lordly, taking Bribes, and threatning Juries and Evidence: Perverting the Law to the highest degree, turning the Law upfide down, that Arbitrary Power may come in upon their Shoulders: The cry of their unjust dealings is great, for every Man has felt their hand, and therefore I hope their punishment will be fuch as their Crimes deferve, that every Man may receive farisfaction.

It's fo long fince K. Alfreds time, that possibly what was then done is out of their thoughts; for my Lord Coke in the third part of his Institutes, chap. 101, makes mention of a great many Judges who were hanged in one year for false Judgment in K. Alfreds time, and if we look into the punishment of a corrupt Judge, which is recited by him in the 224 page, it might be sufficient to deter any Judge (who has either any Christianity or Morality) from offending in the discharge of his trust; but it may be some wonder that they have forgotten what happen'd in the 24th of Edw. Ill. concerning William Thorp Chief Justice, what a severe punishment he underwent for Bribery; all which may be feen at large in page 223, 3d Part. And alfo

fo that of Trefilian and Belknarp, with others their Fellows who were all Attainted by Act of Parliament, 2d of Richard II. which was afterward confirmed by the ift of Hen. IV. A Man would think that these cannot be forgotten; but as the case stands, their Memories are to be refresht by condign punishment, and they very well deferve it; for my Lord Coke in the fourth part of his Institutes, says, chap. 13. That when particular Courts fail of Justice, the General Courts shall give remedy : Ne curia Regis deficerent in Justitia exhibenda: So that what a condition are we in when those Judges that are to relieve against the injustice or delay of Inferiour Courts; do turn Merchants of the Law, and will not do right; for when they are corrupt, how shall we escape, but all Inferiour Courts will follow their Example; therefore in my opinion this Matter ought to be fearcht into; and if there prove fuch faults as are complained of, we can do no less but punish the Offenders, and prevent the like for the future, least we otherwise seem to countenance their actions; for if we do not punish them, we approve of them: From which, Good Lord deliver 115.

And now I am speaking of Judges and their misbehaviour, give me leave to acquaint you with the grievance of the County for which I serve in

relation to our Judge or Chief Justice:

The County for which I ferve is Cheshire, which is a County Palatine, and we have two Judges peculiarly assign'd us by His Majesty: Our Puisne Judge I have nothing to say against him, for he is a very honest Man for ought I know:

But I cannot be filent as to our Chief Judge, and I will name him, because what I have to say, will appear more probable: His Name is Sir George Tefferies, who I must say behaved himself more like a Jack-Pudding, than with that gravity that befeems a Judge; He was mighty Witty upon the Prisoners at the Bar, he was very full of his loaks upon People that came to give Evidence; not fuffering them to declare what they had to fay in their own way and method, but would interrupt them, because they behaved themselves with more gravity than he; and in truth, the People were strangely perplexed when they were to give in their Evidence; but I do not infift upon this, nor upon the late Hours he kept up and down our City; It's faid he was every Night drinking till Two a Clock, or beyond that time, and that he went to his Chamber drunk; but this I have only by Common Fame; for I was not in his Company; I blefs God I am not a Man of his Principles or Behaviour; but in the Mornings he appear'd with the Symptoms of a Man that over Night had taken a large Cup.

But that which I have to say is the Complaint of every Man, especially of them who had any Law Suits. Our Chief Justice has a very Arbitrary Power, in appointing the Assize when he pleases; and this Man has strained it to the highest point; For whereas we were accustomed to have Two Assizes, the first about April or May, the latter about September; It was this Year, the middle (as I remember) of August before we had any Assize; and then he dispatcht business so well, that he lest half the Causes untryed, and to help the matter, has resolved that we shall have no more Assizes this Year.

144 A Speech of the Corrupt. of the Judges.

These things I hope are just cause of Complaint: It cannot be supposed that People can with ease or delight be in expectation so long as from May till August to have their Causes determined; for the notice he gave was very short and uncertain.

And I begyou is it not hard for them that had any Tryals; to fee Councel, be at the charge of bringing Witnesses, and keep them there five or fix days; to spend their Time and Money, and neglect their Affairs at home; and when all is done, go back and not have their Causes heard: This was the case of most People the last Affaire.

Some

Some Observations on the Prince of Orange's Declaration, in a Charge to the Grand Jury.

Gentlemen,

THE greatest part of the misfortunes which befall mankind would be prevented, did they but keep in mind and feriously consider, the most remarkable things which happen to them; for then they would not (as is every day feen ) neglect fo many advantageous opportunities which by Providence is put into their hands, nor split so often upon the same Rock. For so apt are men to forget even things of the the greatest moment, that it is become a common faying, That there is not any thing that is more than a nine days wonder: which does fufficiently express the giddiness and want of confideration in Men: Of which there never was a more pregnant instance, than is to be observed in England at . this time: For the the late Revolution was as remarkable as any thing could be, both for the matter as well as for the manner of it, yet it feems to be as much out of peoples thoughts, as if no fuch thing had happened to us.

It is a great unhappiness that no more notice is taken of it, and it would yet be a greater missortune, if we make no more advantage of it, than yet we have done: and since it does so much concern us to carry it in our thoughts, I hope I shall not mispend your time, whilst I give you a short account of the occasion that sent K. J. away, and for what reason his present Majesty, the then Prince of Orange, was placed on the Throne.

I believe you may remember how much the greater part of the Nation was alarm'd, when it was known that the Duke of York had declared himself a Papist, by reason of the fatal effects it would have upon our Religion and Liberty, if in case he should come to the Crown: And the Parliament being no less sensible of this threatning danger, made feveral attempts to exclude him from the Crown by Act of Parliament; which was the cause wherefore so many Parliaments one on the neck of another, in the latter end of Charles the 11.'s time proved Abortive, for when the Court could not by any other Artifice keep off the Bill of Exclusion, that Parliament was disfolved, and another called, in hopes to find it of another temper; but perceiving that every Parliament began where the other left off of that Scent, King Charles took leave of Parliaments for the rest of his time: And then all those who had been for the Bill of Exclusion, were loaded with all manner of reproaches, and amongst other things Prince of Orange's Declaration. 355

things were called Anti-Monarch-men, because they would break into the Succession,
for that the Exclusion of the Duke of Tork
was used only as a pretence to bring in a
Common-wealth: To such a degree of madness did the mistaken Loyalty of some people
carry them: And I wish there were not
some at this day, who hope to make themselves welcome at Court, by calling every
thing Anti-Monarchical that is proposed for

the good of the Nation.

At last things being in a posture for the purpose, C. II. went off (but how is not yet certain) to make room for his Brother the Duke of York; who began very early to discover himself, and in a short time had made fo very bold with matters both in Church and State, as to demonstrate that the apprehensions of those who would have Excluded him, was rather a Prophesie of what he would do, than a groundless conjecture; fc: his power swelled so fast, that he quickly makes all people to feel the intollerable burden of an unbounded Prerogative; fo that many who before fell down and worshipt Prerogative, were than as hasty to get out of the way of it, as they would to avoid a Monster that stood ready to devour them; and thereby brought them so far to their Wits, as to enable them to fee, that it is much fafer to trust the Law, than the King's Will and Pleasure with their Liberties and Properties: and that God had no more given Kings a right to oppress and inslave their Subjects, than he Aa 2

had indued them with a power to Create Men. For the methodwhich King James took, shewed plainly to all the world, that nothing less than being Absolute would con-tent him; That is, he would govern by his Will, and force an obedience to his pleasure by his Army; for his Administration became more exorbitant every day than other, till his prefent Majelty, the then Prince of Orange, Landed; who as is usual upon such occasions, set out a Declaration of the occasion that brought him hither, wherein is innumerated many of the irregularities of King James his Administration.

The first thing mentioned is the Dispenfing-power, which King James had allumed, whereby he gave just occasion for a very loud complaint, because it is a most dangerous Instrument in the hand of any King, for it not only makes a noise, but does certain execution; it swallows up Law whereever it comes, and tears up Liberty and Property by the Roots; it does not only put every mans right at uncertainty, but makes it uncertain whether there is any fuch thing as Right; it is of fo diffusive a Nature, that if it be exercised in one Kingdom, the next that is governed by the fame King has cause to think it self in danger.

This the Parliament had early under their consideration, and prepared a Bill, for taking away the Dispensing-power, which by the help of some other things that were in the fame Bill, obtained the Royal Affent, and fo it passed into a Law. The

Prince of Orange's Declaration. 357

The Declaration then takes notice, that for the better introducing of the Dispensing-power, That the Judges were prevailed with to declare that such a power is a right belonging to the Crown, and in order to it, the Judges opinions were discovered before-hand; and such as would not comply were turned out, thereby to intimate to the rest that they might act at all times as

they should be directed.

This indeed was a very high aggravation of it; this was not to use the Law lawfully, but to establish Oppression, Violence, and all manner of Iniquity by a Law: For whoever shall endeavour to influence the Judges in their opinions, by what means foever he feeks to intimidate them, whether it be by turning them out of their places, withholding their Sallaries, or putting others over their Heads, does plainly discover, that he aims at nothing less than to Govern by his Will: For the apprehenfion of losing a good imploy is not above the ordinary rate of men, and the stopping of a Judges Sallary must have the same effect, because it's all one, whether a man is turned out of his place, or the profits of it are withholden from him: and that Judge is exposed to a powerful temptation, who fees he cannot rife in course, unless he will comply.

The Parliament being fensible how much the Justice of the Nation lay exposed, so long as the Judges held their Places or Sallaries at Pleasure, had the last Sessions but one, prepared a Bill to remedy this inconvenience; which was offered to the Royal Assent, but was refused; for what reasons is not proper for me to give, because I shall always advise the contrary: so that that part of King James's Male-administration remains as it was, to be practised by any other King, who shall be so wicked as to have it in his thoughts, how he may inslave the Nation.

The Declaration observes that King James put men into imployment, and continued them therein, altho they had not qualified

themselves according to Law.

This, as it unhinged one of the great fecurities of the Government, fo it was a plain indication of King Jame.'s intentions to govern without Law: for when men are put into imployment in spight of the Law, it shews they were preferred not so much for their fitness to execute that Office, as to serve some other purpose against Law; and those that so complyed, justly incurred the censure of every man that wisht well to his Country; for they showed that they were through-stich-men, that would flick at nothing, thereby rendering themselves so infamous as to make all mankind conclude that they would never be imployed in any other Reign, by reason of the scandal, as well as the danger that any Prince runs, who shall take them into his Service.

The Declaration then takes notice of the Ecclesiastical Commission; which indeed carried an ill design in the face of it, it having been always found, that fuch extraordinary methods are not fo much to punish faults already committed, as to wish there were fuch, and to pretend men to be guilty, who have not transgressed. For if nothing more had been designed, but to punish those who really were offenders, what need was there of that High Commission, seeing the Law had before sufficiently provided; so that the parlous intention of fetting up that Commission was very obvious, and it was yet plainer, because it was expresly against Law, for r6 Car. c. 11. that took away the then High-Commission Court, has provided and declared that any other fuch like Court is illegal, and all proceedings thereupon to be void, and of no force.

And here I cannot but observe to you, how far they were the occasion of setting up this Court, who were like to suffer most by it: For it cannot be forgot what pains the Clergy took to magnise Prerogative, and to preach up the Doctrine of Passive-Obedience, and Non-resistance; upon which King fames supposing them to be worthy of their Functions, and consequently what they preacht in their Pulpits, they would practice when they were out of them, thought he might make the more bold with them: But with what Christian patience they bore it, I believe you remem-

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ber : for King James received more reproachful language and revilings from them than from all other people: and therefore I hope they have learnt this lesson, and will be careful for the future to instruct all others under their care, not to extend Prerogative beyond the bounds which the Law has fet it, lest they are the first that feel the weight of an unlimited power: For this Ecclefiastical-Commission was a monstrous thing; and therefore it is to be hoped, that all those who were of it, and that now are in eminent stations under this Government, have made it appear that they are become new men: or otherwise if it was a fault in King James to set upthat Commission, it will be hard to find an excuse for their being of it.

The Declaration proceeds, in taking notice that feveral Churches and Chapels were built for the exercise of the Romish Religion, and that several Colleges of Jesuits were set up, and that a Jesuit was made one of King James's Privy Council.

This, had it stood singly of it self, must appear dreadful to all true English-men, and yet it was but a necessary consequence of what went before it, and gave every man a clearer prospect of the precarious condition in which his Religion and Liberty stood.

The next thing that followed was to examine Lord Lieutenants and Deputy Lieutenants, Justices of the Peace, and all others in publick imployments, in order to have

the Penal-Laws and Test repealed; and to turn out fuch as would not concur. This was made use of (as no doubt it would have been ) a very effectual means towards the packing of a Parliament, it being a lesson which he had learnt from his Brother C. II. who used to take Parliament-men to task in private, where he used such arguments, as thereby he so often drew from the Parliament those unnecessary supplies. This examination of the People in private, was called Clofetting, at first lookt upon as a very inconsiderable thing, yet we saw that the faid Cloud, tho at first no bigger than a mans hand, quickly overspread the whole Heavens, and gave our affairs a very gloomy Complexion, and if we will learn, has taught us this useful lesson; That, when men shall not be left to the freedom of their judgments in relation to the publick, but indeavours are used to warp and bend them another way, that there is fome ill defign in hatching; especially when such applicaons are made to members of Parliament, concerning fuch matters as are under their Consideration: For this is to kill the Government at the Root, and the defign is equally apparent and mischievous, by what means foever a Parliament is corrupt. ed, whether it be by Places, Pensions, or any other thing that makes the Members thereof to become men of dependance.

The next Article against K. J. is that he Seized upon the Charters of Corporations, thereby bringing their Priviledges to be

disposed on at his will and pleasure

This was very Notable Injuffice, yet the making havock of Charters was begun and carried on very far by C. II. to which the Loyalty that then prevaild contributed very much; for who ever was not for furrendering of Charters and giving up their Liberties, was mark'd out as Anti-Monarchical and a Commonwealths-Man, and this fantastical Loyalty had intoxicated fo very many, that very few Corporations stood out; those that disputed the point were taught the Law of Quo Warrento. So that when K. C. died he left his brother little more to do than to give the finishing stroke to that he had brought to fo great Perfection: by which we fee how dangerous it is to make any other thing, than the Law, the Measure of our Loyalty; for altho' at first no ill consequence may be apprehended of what is done, yet it is not long ere Men find their mistake, by the mischief which falls upon their own Pates, and with this aggravation, that they don't fee their error till it is out of their power to remedy it.

The Declaration next observes, how that freland was put into the hands of Papists, which made many to leave the Country, well remembring what fell out in the year 41.

This was very true, and it is as true, that it put every Man in England (who valued his Religion and Property) under very great

prince of Orange's Declaration. 363 great fears and apprehensions that the storm would blow over into England. Because he that would set up Aarbitrary-Power in England, must first try his hand upon Ireland; it having been observed, that whatever Arbitrary thing has been done in England, that it has first been practised in Ireland. So that when ever things go irregularly in Ireland, England cannot think it self sate, till affairs are put into a better

posture there.

The Declaration further takes notice, that K. J. had declared in Scotland, that all his Subjects are bound to obey him, without referve. This is the highest of absolute Power, and it was plain he intended to do no less in England; For there is nothing more certain in humane Affairs, Than that when a K. mif-imploys his power in one Kingdom, it is not for want of inclination, but of means and opportunity, that he does not do fo in all other places under his Dominion: As for Example, if a King keep one of his Kingdoms without Parliaments, he would do fo in another, if by fome necessity he were not compell'd to do otherwise; for C. II. kept Ireland without Parliaments, and it was out of regard to his particular Affairs, that he called a Parliament in England, for you may remember how quickly he fent the Parliament packing that called him in, because it was more intent upon setling the Nation, than to give him unnecessary supplies; and those which he afterwards called, were kept no longer than he could squeeze Money out of them.

The Declaration goes on to remind us how K. J. indeavour d to discourage and take away from the Subject the right of Petitioning. The priviledge of Petitioning is an ancient and necessary right, and so great a right, as it has always been supposed, that upon fuch applications, the K. was bound either to rediefs that whereof they complain'd, or to let them see, that their complaint was without cause. But to take away this right from the people, is to deprive them of the means of making known their grievances in the most humble and dutiful way that can be, and puts them under a necessity of doing it with their Swords in their hands; for there is but one of these two ways of letting the K. know their gricvances: there is nothing more fit, than that Subjects, tho' never fo much opprest, do first make known their fufferings, in the humblest and most respectful manner that may be, and not have recourse to more compulfive methods, till no good is to be done the other way: That Prince who is unwilling to hear the complaints of his People plainly intimates, that he intends to govern them by the rod of his power, and not by the equal and gentle methods of the Law: and there feems to be no less a fearful expectation, when the addresses of bother either House of Parliament, don't meet with succefs, but prove abortive; for confidering that the Nation does then Petition the K. in its highest Capacity, it may reasonably be expected,

Prince of Orange's Declaration. 365

expected, that those applications should be answered with effect, unless the K. be wifer than all the World, and such a Man was never yet found, or else what the Parliament complains of is false or frivilous, which

is not cally to be supposed.

Then the Declaration reminds as of K. James's delign to pack a Parliament, that by the Peoples confent, those things might be made a Law, which he had done contrary to the right of the People and the Law of the Land: which was to flab the Nation to the Heart. For a Parliament is the Soveraign and only remedy for publick Diftempers, and if rightly, apply'd works an infallible Cure, but if it be corrupted makes the Malady, how flight or inconsiderable soever, to become Incurable. He that defires to corrupt a Parliament, leaves very little room to believe that the good of his people is the end of his Government: for when a Prince looks upon it to be his Intrest to influence and byass the Parliament, he cannot be thought to have fome Interest with his People. There are two ways to corrupt a Parliament: The first is to influence the Elections, so as to have Men chosen that will ferve a particular purpose and design; and 2 dly, if that fail, to corrupt the Members by Places, Penfions, or good round fums of Money, which is called Secret Service, whereby the Nation becomes felo de se

The last article against K. J. is that of imposing upon us a Prince of Wales. This indeed, if it were so, is as great a Forgery

and

and Cheat as ever was heard of: but because those whom it more nearly concerns have not yet thought fit to inquire further into it, I suppose it will not be expected that I should give any opinion of it at this time.

This is the fubstance of the charge brought by the P. Orange against K. J. I think I have not omitted any thing that is material : but these are not all the irregularites that K. J. was guilty of; yet are they fufficient to shew that his administration was inconsistent with the Rights and Liberties of English-Men, and who is he that can imagin that there was any other means but force whereby we could recover our Rights; they that think it could have been effected by gentler applications, may as well pretend to bind the Leviathan with Cords: Those that have boulted most of Prayers and Tears, when they have been touch'd by Arbritrary Power, have found those things to be of no more force with a Prince that had will and means to be Arbitrary, than the Cords on Samplon's Arms, and then have they been very willing to make use of more violent applications. For those who value themselves most upon this fort of Loyalty, are generally fuch as are unconcern'd for the publick, provided they can make themselves safe; and may well be compar'd to the Fox in the Fable, who having loft his Tail would have perswaded the rest to cut off theirs. They that will not lift up their hand to fave their Country, are as much to be condemned as the Inhabitants

Prince of Orange's Declaration. 367

Inhabitants of Meroz, who were curs'd bitterly because they came not to the help of Lord against the Mighty, Judges 5. v. 23.

K. J. had so disjointed and made such haveck of the Government, that the first step towards the repairing our breaches was to lay him aside, not out of any particular dislike to his Person but to his actions, because what he had done was not to be suffered in any other Man, for whoever shall hereafter do the like must expect the same measure.

K.J. being deem'd unmeet to sway the Scepter, the next thing was to confider, whether it was better to turn the administration into a Regency, or else to elect another in the Room of K. J. and after some time spent therein, it was resolv'd, as the best, to place some other on the Throne; because as that did make the least alteration that could be, so whatever was amiss in the State would more easily be rectified, than by another Method that was proposed: Upon this give me 'leave to make one observation; That altho' a Regency and a Common wealth are the same in effect, being but feveral Names for the same thing, yet there prevails an opinion, where one would least suspect it: That those who were for a Regency are the only men for Monarchy, and that those who were for continuing the Administration under a King, are for a Common-wealth; how this opinion can be confistent with it self I do not apprehend, unless that whatever is done for the good of the people, brings us fo much

much nearer to a Common-wealth; and if fo, Kings will find it to be their interest, as well as their duty to make their Admini-

stration easie to the people.

It being resolved to fill the Vacant Throne, the Prince of Orange was presently thought on, as the fittest of all others for the purpose, not so much for having been the chief instrument of our deliverance, tho a great deal was due to him from the Nation in

point of gratitude.

But the Crown was offered to the Prince of Orange, in hopes of having the effect of his Declaration; for as it was his interest to perform what he had therein faid and promised, so the Nation was more likely to obtain a full redrefs of its grievances by him, than by any other, for he had the example of King James fresh before him, he could not but very well apprehend that what could not be indured in King James, would not be fuffered in any other; he knew very well that the Nation expected to have his Declaration made good to the full, as well because he had promised, as also because of the right they had to have their greivances redreffed: and that fo far or fo long as any part of it was denyed or delayed, fo far would the people be difappointed, and think themselves deceived: He could not but be sensible of the reproach and hazard he ran, that having found fault with King James's Administration, if he did not amend whatever was amifs; and that to trifle with the Nation in any one particular, would

would render all the rest suspected of what he

had faid or promised.

He told us in his Declaration, that the greatness and security both of Kings, Royal Families, and of all such as are in authority, as well as the happiness of their Subjects and People, depend, in a most especial manner, upon the exact observation and maintenance of their Laws, Liberties and Customs.

This, so true a principle, that he who governs accordingly cannot fail to prosper in all he puts his hand unto; and he that says so, and knows and understands what he says, yet does not act accordingly, cannot expect the love of his

people.

He was very sensible how distastful a standing Army is to the Nation, and much more when a considerable part of it is comopsed of Foreigners; and that to increase the number of Foreign Troops would very much alarm the Nation, unless it was by reason of scarcity of our own people, or want of such as durst fight, or for some such necessity; and therefore to remove those apprehensions, he promises to send back all the Foreign Forces he had brought along with him, as soon as the State of the Nation will admit of it.

He promised to bring Ireland to such a state, as that the Protestants and British interest may be there secured, considering, no doubt, that as Ireland is the backdoor to England, he could not be thought to be in earnest as to the good of England, so long as he neglected the settlement of that other Bb Kingdom;

Kingdom; because England can never reckon it self safe, so long as things are out of order there, having reason to s spect that the irregularities in the Administration in Ireland will sooner or later affect England.

Lastly, He promises to concur in every thing that may procure the Peace and happiness of the Nation, which a free and lawful Parliament shall determine; so that there may be no more danger of the Nations salling at any time here after, under Arbitrary Govern-

ment.

When the State is distempered, a Parliament is foabfolutely necessary, that it is scarce possible to cure it, without one; but then that Parliament must be a free and lawful one: as well in the manner of electing it, as afterwards in their proceeding, for if there be any foul play, or underhand pra-ctice in the Elections, or that when the Members come together, they are over awed, or corrupted, this may have the name, but nothing of the nature of a free and lawful Parliment, and is like Physick ill prepared or applyed, does more hurt than good. In curing the distempers of the Government fuch reformation must be intire without any referve; for if any gap is left, it will quickly let in as many irregularities as were before complained of: for unless the very root and foundation of those distempers be removed, it will prove no better than the skinning over of a Sore, which whilst it seems fair to the eye, is festring within, and afterwards breaks out with greater Violence. Upon

# Prince of Orange's Declaration. 371

Upon a Revolution, where the Government is Monarchical, one of these things usually happens, either that the King is continued in the Throne upon a new stipulation or contrast between him and the people, or else the Administration is put under a Regency; or the King being found unmeet to sway the Scepter, is therefore laid aside, and another chosen into his place; or else the Government is changed into a Commonwealth.

The first of these, that is, when the King by a new agreement is continued to Reign, is the easiest and surest come at, because the irregularities in such a case are not many, so that remedies are as obvious as the grievances are sensible: and the King, sinding what it is to provoke the Nation, readily complies with whatever is proposed, less the should make the people desperate; and there is this farther in the case, that being jealous of the King's intentions, the people no longer depend upon his Word and Promises, but take care to have effectual remedies.

As to the second thing, that is a Regency, this is a kind of a mysterious thing, for the King, is neither altogether Deposed, nor does he Govern; but the Administration is committed to another, who in nature of a Guardian does all in his name, yet under the Survey, and subject to the Controul of the two Houses of Parliament. But this seldom continues, for either the King is restrained, or the Government is changed into a Commonwealth: So that this not answering the end proposed, it oftentimes happens, that when

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the King is found unmeet to govern by himfelf, that he is laid aside for good and all, and another is elected in his stead, which is done, when his administration is become exorbitant, and that he is deaf to the Petitions and Complaints of his people: for fuch a change is not made for the fake of him to whom the Crown is given, but that the Government may be amended. Now tho this is feldome done, but for very good cause, yet through the folly of some, and knavery of others, it does not often answer expectation. For the there is much to do, and a great deal that is needful, yet what through the unskilfulness of those who have the conduct of Affairs, and the unfair proceedings of others, who out of favour to the Deposed King make it their business to lay rubs and difficulties is the way, and to render every thing impracticable, whereby the work is very often left imperfect: But besides this, tho the people have then every thing in their power, yet a very little matter takes off the dread and apprehension of any danger, either for the prefent or time to come, and confequently makes them remis, if not altogether to negled to make such provisions as are necessary, and this for two reasons.

First, Because as soon as the King is deposed the minds of the people are put at ease, either from a belief that all the Calamities, which befell them during his reign, proceeded directly from himself, without the advice, or improvement of any other: Or else because that no other man will be wicked to fuch a degree as

he was; which certainly are two very great mistakes: For it was never yet seen, where the irregularities of a Reign were many, but that some about the King put ill thoughts into his head, or helpt to improve that which he had conceived: And in the next place he that fucceeds is more likely to do as the other has done, than that no man will ever be guil-

ty of the like mif-behaviour. Secondly, Because it is the nature of mankind to be transported with every change, that is with their confent, and especially in fuch cases as these, where it makes so great an alteration; so that for some time their consideration departs from them, and they depend fo implicitly upon words and promifes, as if there needed nothing more to fettle the Nation; and then as an unavoidable confequence of it, the best construction is put upon all that is done, even to look upon the irregularities of the new elected Prince ( if he shall commit any) to proceed from his care of the Publick: Nay, altho he do imploy the Ministers and Creatures of the Deposed King, this shall be imagined to arise from the fame regard, to the Nation, because it will be supposed that he either finds, or has made them fitter than any other, to serve him and the publick, till the ill effects are felt of having such persons near the King. Put it is not easily to be imagined that such persons are imployed for the fake of the publick, unless their parts and abilities eminently exceed the rest of mankind; which would be little less than a miracle; or else at least that they are be-

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come

come new men to all intents and purposes, and that ought to be as evident as the Sun at

Noon-day.

If a Prince entertain such men, and knows what they are, such evil Ministers are more likely to make him a bad Prince; than that he can make them just and faithful Councellors,

to him and the publick.

If none of these things I have mentioned happen upon a Revolution, then there remains nothing, but to change the Government into a Commonwealth: But that is feldome done till the case is so desperate as that nothing else will do; yet it most commonly happens either when the Father and Son fucceffively have governed Tyrannically; or else when one Prince is deposed, and the next proves as bad as he; indeed unless it be at the last extremity, it ought not to be thought on; because it is easier to repair an old Government than to make a new one; and besides, there needs a great deal of time to bring the latter into shape, and especially a Commonwealth, where so much Vertue in the people is requisite to make and continue it such; of which fort of Government, I will only fay, That no doubt but it has its particular excellency: for as no Government is altogether perfect, so every Government has fomething that is particularly good in it.

And here give me leave to fay a word in my own vindication, I find I have been accused to be a Commonwealths man, but were I permitted to speak for my self, I would

Prince of Orange's Declaration. 375

fay, That I like this Constitution under King, Lords and Commons better than any other, and I desie any man to mention that thing which can give just occasion to think otherwise of me; I am sure there is no man so hardy as to tell me so to my face; yet I say withal, That if through the Administration of those who are trusted with the Executive Power, or by any other means, my liberty shall become precarious, I will then be for any other form of Government, under which my Liberty and Property may be more secure, and till then I don't desire to change: And in this I think I am not much in the wrong;

but this only by the by.

Now to apply what I have faid to our present case; I think King fames was justly deposed; for what part of the Constitution had not he put out of order, and then how can fuch a man be meet to fway the Scepter: and in the next place, as things flood at that time, all circumstances considered, who was so likely to do us right, as he that had promised to repair our Breaches, and whose interest it was to be as good as his word; and tho we have not every thing as well as well as we could wish, yet that does not proceed from any error in placing the Crown where it is, but from fomething else that could not be foreseen, for whoever he is that judges of things only by the success, shews not his wisdom so much as his folly, because he reckons without his Hoft.

True indeed it is, that our Affairs are not prosperous, many disasters have befallen us; and we have let flip feveral advantages, fuch as we can hardly hope for the like again, together with abundance of other things, that are very melancholly reflections: whether these have happened through the defect of our Councils or Treachery, I will only fay, That it ought ought exemplarily to be punisht where ever the fault is: and be it where it will, there is one and the fame original cause of both, and till that is removed we cannot expect it should be better with us: I wish it were not too plain that God has a Controversie with this Land: for which of us can fay, that he is not justly provoked, fo that if we are infatuated in our Councils, it is the hand of God that is against us; and if we are betrayed, is there not a cause.

I wish we were fit for a better condition, and surely it is our own fault that it is not otherwise: For God has plainly shewn us, that he is willing to be gracious to s: Not only by bringing about the late Revolution, but also by multiplied instances since that, of his care and protection: for how many Fleets of our Merchants have escaped, by no less than Miracle? and by no less a Providence, did the French Fleet fall into our hands. How strangly have several great Plots been discovered, just when they were ready to be put in execution: but notwithstanding all

## Prince of Orange's Declaration 377

It is too obvious that our Affairs have every year gone backward, and in this much more than any of the rest, it is to be feared that worse remains, if it be not prevented by a speedy and thorough Resortion.

And therefore Gentlemen, of the many things that are at this time under your care, (for whatever is an offence against the Publick Peace falls within your inquiry) I will more especially recommend to your consideration these few things, without losing your

time by innumerating of the rest.

The first is, to do what in you lies, to suppress the profanation of the holy name of God by Oaths and horrible Execrations, which never fo much over spread the Land as it does in this Age: It is a most unaccountable thing; it can only be learnt by Conversation, and improved by Art and Industry, because it is not a fin of Nature, and confequently wants that impulse either of pleasure or profit which leads to the commission of other sins: It is certainly a great provocation of the Almighty, and does in no fort recommend the conversation of any man; for who can take delight to hear God's name taken in vain? no man can ptetend, that for being a common Swearer, the more credit is to be given to what he fays: for how can he be thought to regard Truth, who makes fo light of him, that is the very truth? what advantage then does any man reap by it? and fince there is neither pleasure nor profit by it: it is very well faid by one, That for other fins men fell

their Souls, but for profane swearing they give theirs. How then can we hope for fuccess in our Armies, amongst whom there is more horrible Cursing and Swearing, than is to be heard any where else: Whileit they contemn God, and daily spit in his face, how can we hope that he will go forth with our Armies, fo long as by their reitterated expreffions they feem to have renounced his protection, what do they look like but men that are appointed to destruction; were there as much care to punish this as there is to inqu're into false Musters, and some other things of less consideration, it would not fail to have a suita le effect; but this is to be done by others, your care is to lok into your neighbours, and if you know of any that are common swearers, or of any Petty Constables, who have neglected to inform the f. of P. at all their monthly meetings, you ought to present them.

Tis true indeed, that the most that you can do, will go but a little way in this work for the present; yet it is as true that it must be begun at some time, and some where, and I wish you may have the honour to be the first in it; for if your example be followed by others, it will redound to their everlasting praise, but if it should proceed no further, yet you have this satisfaction, that you have washt your hands, and done your

duty.

The next thing is to inquire after those who made light of the Sabbath, either by neglecting to go to some publick worship: or

else

Prince of Orange's Declaration. 379

else, that having been at Church both parts of the day, yet spend the remainder of it, in Sports or Gaming, or else what is more frequent (and too very common) in an Ale-

house.

It is certainly a great contempt of God to neglect the means of Salvation; they that do fo, must either imagine that they have no fuch thing as a Soul, or else believe that it is of fo little value, that it ought to be the least part of their care: Can any man upon mature deliberation be of that opinion? If there is fuch a one, he is very much to be pittied; and how much better are they, that having been at Church, imploy the rest of the day in pastime, or drinking? What advantage do they feem to have, by having been at Church? for tho they might fit before God in his place of worship as his people do, yet it is evident that their hearts were after fomething else.

God made the Sabbath for man to rest on, and not that he should do his own work therein; for these persons can't produce any good authority, for making such a difference in the several parts of that day. It is a strange exposition on the fourth Commandment, and it is no wonder that there is so many Atheists among us, when places of Scripture are so expounded, and tho they may satisfie their own consciences in so doing, yet the Law looks upon it as a great offence.

I remember the time when a fort of men, either out of ill will to their neighbours, or for their own profit, were very industrious

to inform against such as went to Conventicles, I wish they would now be as zealous for Religion and God's honour, in discovering those that go to no publick worship, or spend the remainder of that day improperly; as they then pretended to be zealous for the Church, when they ferrited the Diffcenters out of their Meetings.

The next thing you are to inquire of, is the fin of Drunkenness: Those that are common Drunkards, and frequenters of Traverns and

Ale-houses.

I wish they were not so many as offend herein, and that the abuses were fewer, that people receive from those that are Drunk. This also is a fin of Custom, and not of Nature, for Nature requires so little, that a man cannot disorder himself by taking what is needful to fatisfie it: So that every Drunkard offers violence to the bent of Nature, to bring himself into that condition: and what is the advantage of it, but to make himself nauseous to others over night, that he may loath himfelf next morning, when he is difgorging the last nights entertainment.

Nothing brings a man so near to a beast as it does, for it deprives him of the use of his reason, and exposes him to more extravagancies than any other fin. What difference is there betwixt a drunken Man and a Swine, only, that the Brute has the better of him: for a Swine follows that appetite which Natime has indued him with, and when he is doad, his carcass is worth the meat it has eaten:

Prince of Orange's Declaration. 381

But a drunkard forces himself beyond his appetite, and when he is dead, is good for

nothing.

I have heard of many that boast how they can make others drunk, and how much they can drink: A notable thing indeed, to value themselves upon, considering that a Woe is denounced against those that set the Bottle to their neighbours Nose; and he that drinks most cannot vaunt of so much as an Hogshead can do.

Do these men think that they were made to only devour the sat of the Land, that they may vomit it up: but their answer is, that their Time, Meney, and Body are their own, and therefore they may do with them what they will, so long as they hurt no body else: 'Tis true indeed, they are their own, yet only to some intents and purposes: For as they may not injure others by the use of them, so neither can they justifie the harming of themselves; for both Body, Time and Money, are to be imployed for the advantage of others, as well as of themselves, because every man's Life and Estate is more! the publick's, than his own.

In order to the suppressing of this swinish practice, you ought to present all such Alehouses, as of your own knowledge, or by information, suffer people to tipple and drink in their houses at unseasonable hours; or that harbour men suspected, and of evil same, or that suffer any other disorder.

Likewise, if there are any Ale-houses in byways, or other improper places, which through inadvertency or mis-informatian are Licenced, you ought to present them, that they may be suppressed; for as they do not answer the legal end of an Ale-house, so they are the receptacles and harbours of Thieves and Rogues, and confequently the occasion of all the Thests and Robberies that are committed in the Country.

There are a fort of people, who will go Ten or Twelve Miles to a three Penny Doal, that will refuse six pence, if offered them to go four or five Miles, altho they have scarcely rags to cover their nakedness: if you know of any fuch you ought to present them, that they may be fent to a place, where they'll

be forc'd to work.

There are also a fort of People that fpend high and live very plentifully, yet have no visible means of supporting that expence: if you know of any fuch you ought to prefent them, that an account may be taken of them and their way of living, which is very necessary at this time, when Clipping and Horse-stealing are two such great Trades.

The last thing I will recommend to your Care, is to present all fuch Officers as have neglected their duties in feeking and Apprehending Vagrants and wandering Persons: I believe Gentlemen, you are very fensible that the numbers of these .dle people are great, and that the misehiefs they bring upon us are many: for they do fo swarm in these parts,

that

that it's a wonder if some other of them are not apprehended every day, in most Townfports: and yet by what the Officers do, one would think there was scarce any of them: for in all the time that I have been a Justice of the Peace, I don't remember that fo much as one Vagrant has been feized by the Constables, unless when they have been found pilfering: fo backward are they to do their duty herein, that one would think the Vagiants were in fee with the Constables, or elfe they could not pass along, as they do without disturbance; considering that the L w has given good incouragement for the apprehending of Vagrants, not only by holding out a reward to fuch as shall apprehend them, but also by inflicting a penalty for fuffering them to pass along.

'Tis strange, that the Petty Constables, if not out of regard to their Oaths, yet for the sake of their Reputations, are not more diligent herein; for he cannot boast of much honesty, who is remiss in his duty; and it is most apparent, that there is a wilfull neglect

herein.

I have now finisht what I thought fit to discourse on at this time, and shall therefore

conclude with this short word.

That till Vice and Profanencis be supprest; till there is more a face of Religion, if not a sincere profession of the Gospel; till the glory o God is more regarded; till men be consinced, that they cannot be

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That till Vice and Profanencis her supprest; till there is more a face of Religion, if not a sincere profession of the Gospel; till the glory o God is more regarded; till men be consinced, that they cannot be true Sons of the Church, unless they be good Christians; till the Government shall prefer men as well out of regard to their honesty and upright conversations, as for any other reasons: we must still expect to meet with difficulties and disappointments in our Affairs, if not to be over-run by an Invasion, or to be ruined by our selves.

A

A Speech against Asserters of Arbitrary Power, and the Nonswearers.

Believe you are all well affected to the Government, and therefore to incourage you to do your part upon this occasion, I only need to tell you that this is a time that calls upon the diligence and care of every man that wishes well to the publick peace.

And I am perswaded that this admonition is not very necessary to be given to you, who I believe are already very sensible that we are an unsetled and divided people, and in this you will concur with me, that they are very much to blame who are the occa-

fion of it.

Far be it from me, to charge any one foolishly, and I wish it could not be affirmed with so much truth, but it is most certain that that Party who in the two late Reigns, were so industrious to serve that interest that designed to set up Popery and Slavery, are the very men that at this time are the troublers of our Israel.

And that you may the better understand them and their designs, give me leave a little to look back and observe to you the principles upon which

they seemed to Act.

In the Reign of the two late Kings we had a mighty cry for the Church and Loyalty; but were indeed only disguises for the bringing in of Popery and Slavery, by reason that nothing can be more effectual for the bringing in of Popery, than the dividing of Protestants; and nothing can make us more arrantly Slaves, than the subjugation of us to the Kings will.

For the rule then laid down was this, that every man that did not come up to every Ceremony of the Church of England, tho he professed the Do-Etrine of it, was not to be deemed a good Protestant, but to be persecuted and treated as an Enemy to the

Publick.

And in the next place, that he only was a Loyal man, that did sincerely believe, that we must in all cases submit to the King's will; and was not in any case to be opposed, or resisted, and tho he never so openly violated the known Laws, yet we were only to defend our selves with Prayers and Tears.

This notion prevailed with a great many for some time, yet it was not the force of reason that gave it so much reputation, but Rewards and Preferments on the one hand, and Frowns and Displeasure of those in power on the other, together with all the other incouragements and advantages that the Government could give it; and so might any thing, tho never so nonsensical, obtain for a while, when so supported.

But let it be fairly reasoned, and it will appear that nothing is more distructive to the end of Go-wernment than such an unlimited power: Considering with all due respect to Kings, that they have their frailties and passions as well as other men.

I

I cannot believe that he who is the most indulgent of Arbitrary Power, can be of opinion that God Almighty made mankind to be miserable; and if so, how can that and the absolute power of Kings be reconciled; for what can render this life more miserable than to be Subject to the passions of a manwho is restrained by no rules but that of his Will: nor does it seem to be consistent with the goodness and justice of God, to subject a people to such a condition; it's most plain, that he has not left Kings so at large in the exercise of their power, and that what power he has given them, was to protect and not to oppress his Subjects: for otherwife, wherefore do we find such repeated examples of God's displeasure against those Kings that have tyrannized it over their Subjects. God is a God of Order, and has ordained that Order and Peace shall be the end of every Government; but, is the way to obtain this, by giving scope to the unruly passions of a man: It's the King's protection that gives him a right to our subjection; for when he denys his protection, we may withdraw our obedience, and when the King's protection, or the Subjests obedience ceases, nothing but confusion can en sue.

If God had ordained that every people should be Subject to the will of their Kings, he would either have expresly revealed his pleasure therein, or discovered it to us by the light of Nature. But no such revealed Will is to be found, and the light of nature tells us that nothing is more unreasonable

than such a power.

But put the case, that King's are made by Gods immediate direction; yet it is scarcely less than blasphemy to conceive, that where he does so dele-Cc 2

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gate his power, that their actions shall not have such a temperament of Wisdom, Mercy, and Justice, as in some measure to resemble him, whom they represent: for otherwise it would make him the Author of Confusion; yet in our late times, all the infringements of the Laws that were made by those

tuo Kings, was called a divine right.

And in the next place, he would have provided some means, by which the people should have known what would be the Kings Will, for where there is no Law there can be no Transgression; for otherwise the people would have been in a sad case: For they could not in such a case be allowed the use of their reason; neither could they know when they were in the right, for whilst they do a thing with never so much Reason and Justice, the King's fancy may make it Criminal; and indeed to govern a people any other way than by known and certain Laws, is to suppose mankind to be a company of Brutes, and not reasonable Creatures.

It's blasphemy to suppose that any of God's commands are unjust, and yet has he given us express rules to be the measure of our obedience to him, and can it then be supposed that he has subjected us to the will of our fellow Creature, when he would not require from us such a blind obedience to be paid to himself, unless we can believe that the ways and commands of a King are more equal and just than Goa's

If there was a People before there was a King, as no doubt there was, then will it be a difficult undertaking to prove that Kings have a just right to Arbitrary Power: and I know of nothing that Javours more of nonsence, than to suppose a King without a people.

If the power of Kings is so unlimited, wherefore did Solomon say, that oppression would make a wife man made : For where I have a right, it's lawful for me to make use of it; and therefore oppression does imply, that what is done is

against right.

The standing body of our Laws is a clear proof that the power of our Kings is limited: How come we by Municipal Laws, if we must submit to their will? for who ever looks into our Constitution, will find that it is not built upon an Arbitrary Foundation, but directly calculated to

make us a free people.

But if it shall be answer'd me that this Government was the work of some King, and that he directed the form of our Constitution: I do in the first place desire to know who that King was, and in what Age he lived; and in the next place, I say, that he was extremely Wise and Just: and these two other consequences will follow from thence.

First, That that King did believe that it was not so just and reasonable to govern by his Will, as by those rules which the Law has prescribed, that is, that it was more reasonable that the Law should controul his Will, rather than that his Will should over-rule the Law.

Secondly, That every King that governs more by his Will, be is so much less Wise and Just than that King who was the moulder of our Con-

fitution.

The more effectual preservation of the publick Peace, is the only presence that a King of England ean have for Governing by his Will; but if it be our of that regard, he will find that the Law has provided CCE

provided safer and juster in that case than his Wit can invent, for it's a rule in our Law, that no body is wiser than the Laws: But too many instances have made it plain, that no King ever desired to rule without the Law, but that he might imploy his power to an ill end: and those then that incourage arbitrary inclinations in their Prince, are guilty of all the Oppression and Vio-

lence that he shall commit.

The Law is the best hold both of King and people: for it's their mutual and only interest; which soever of them lets it go, will have much ado to preserve themselves: for never did any stand long that parted with it; when the King for sakes the Law, he ceases to be King, and makes room for another that is more righteous than himself: and therefore, because he endeavoured to set his will above the Law, was the late King James set aside, and I am perswaded with all the Justice in the World.

Thus I have indeavoured in a few words to detect the unreasonableness of this arbitrary Doctrine, and indeed the great Asserters of it at last discovered what was the true principle that guided them; they had very honestly prescribed a rule for others, which they could not practice themselves, like the Pharisees, who were reproved by our Saviour for laying heavy burdens upon others, that they would not touch themselves. Our Loyal men were very well pleased with arbitrary power, whilst they might be imployed, and lord it over their neighbours; they little dreamt that the wheel might go round; for no sooner did they see that this power was like to be exercised upon themselves, but they changed their note: all their encomiums,

upon King James, were turned into the most bitter investives that their wit could invent, and their threatnings, which they used to breath out against the Dissenters, were turned into words of Unity and Reconciliation.

I will not affirm that the mercenary principle of preferment made them so zealous for Prerogative, but this is most certain, their zeal never abated till they saw that other pesple were like to come into play: and then they were as forward as any to explode the Doctrine of Non-resistance, and to wish success to the Prince of Orange. But since King William does not think fit to employ them, nothing will serve their turn but King James. And because they cannot for shame talk any more of their unshaken Luyalty, they have wholly laid aside that word, and now their mouths are filled with nothing but the Church; and considering that they refuse the Oaths, and indeavour to throw all the contempt they can upon this Government, therefore in their sense the Church and this Government are two distinct interests; and King James, a profest bigotted Papist, is more likely to Support the Church, than King William who is a Protestant, and thus they demonstrate their care for the Church : and if it be not because King William won't put them into imployment, I can't imagine why they should be so averse to him, unless it is, because his Government is more Just and Mild; and that he Governs more by the Lans than any of the four last Kings.

## Gentlemen,

Your inclinations to the Government is not to be question'd; yet in regard it has been indeavoured to be so much traduced, it may not be improper to say

some thing of it.

Every King of England receiving, and holds his Crown upon condition, to Govern according to the known and approved Laws of Land: for by what means soever he may come to the Crown, he can hold it by no other means than by making the Laws the measure of his Power: and when he forsakes that good old way, he ceases to be King, and Male Administration is a forfeiture of his Crown. This was the opinion of our forefathers, as appears by the many instances of those Kings that have been Deposed, for their evil Government: And those who have succeeded them have still been ac-knowledged and obeyed as rightful, and lawful, tho the other were alive. For when the Throne is vacant, it naturally comes into the hands of the people, because the original dispose and gift of the Crown was from them, therefore whoever they place upon the Throne, has as good a right to be there as the first King that wore the Crown.

No Government can want a power to help it self, and therefore when the King has set his will above the Laws, what other means has the people left, but their Arms: for nothing can uppose Force but Force. Prayers and Tears are our proper applications to God Almighty, but signific but little with an Arbitrary Brince, who will be rather confirmed

in his purposes, when he finds that he is like to meet

with no other opposition.

But this opposing the King with Arms is not justifiable, for every wrong step, or miscarriage of the Prince, save only in cases of extremity, when it's obvious to every man, that the King has east off his affection to the Common Good, and sets up his will in the place of the Law, and thereby rendered himself unmeet to sway the Scepter.

For this reason was King James deposed, and therefore is this present Government justified to the last degree, by very good reason, and the constant practice of our Fore-fathers in the like case.

For long before King Charles dyed, the Nation was very apprehensive of the mischief they should be exsposed to, if in case the Duke of York should get into the Throne, and he had not long been in possession of the Crown before he convinced the world, that those jeers and apprehensions were not groundless, for he quickly became so exorbitant in the exercise of his power, that the Nation grew very uneasse under him: where upon the Duke of Monmouth landed in order to deliver us from that which the Nation had so much cause to fear; and it did not please God to give bim success. Tet I am perswaded, it was not by reason of the justness of King James's Cause that God permitted him to prevail for some years; but that he might fill up the Measure of his Iniquities, and all the Earth might see how justly he was Depoled.

To recount the particulars of his Male-Administration, would take up too much of your time, and therefore I will only say this in short; That be had so notoriously broken the Constitution of this Government, to set up Popery and Slavery, that the Nation was necessitated to rise in Arms; and by as good right did they take the Diadem from his Head, as he ever had to claim it: for he having rendered himself unmeet to sway the Scepter, the Crown thereby sell into the hands of the people; and where then could they so well and properly dispose of it, as to set it on his Head that so generously and opportunely came in to our assistance, at a time when the Nation lay gasping, and just ready to expire with the weight of Popery and Arbitrary Power.

What borrible unthankfulness to God, and ingratitude to King William, is every man professing the Protestant Religion guilty of, who is disatisfied with the present Government? For I would ask any of them what else could have been done, to bring us to a settlement, unless the recalling of King James, or that which would in effect have restored bim.

Does any man believe that King James is fitter to govern than be was: Is he a less Bigot in his Religion, or better inclined to the good of England; nay, may we not rather expect the contray from him, that he will come in all the rage and fury that the deepest revenge can dictate to him, thinking of nothing but Fire and Faggot, to burn up all before him.

And therefore can any man desire the return of King James, but such as have actually made their terms with him, or else do hope that he will accept of their submission; but whatever terms they may make for themselves, they can scarcely secure it to their

their Posterity; and does he deserve the name of an English man, or good Christian, that will give up his Posterity to save himself; and much less tan he pretend to it, who will sacrifice his Country and Religion to the will and pleasure of his Prince.

How must he divest himself of all manner of humanity, that implicitly will execute such unreasonable Commands King James will lay upon every man that must expect any quarter from him, for every man that will not be aiding and assisting to his business, will certainly be treated as an Enemy.

There are a sort of people who may well be sufpetted, if not already ingaged, yet very well disposed to joyn with any thing that will destroy this Government; and they are First, such as resuse the Oaths.

Secondly, Such as have taken the Oaths, but swear to this King, as only King de sacto, and to live peaceably under the Government.

Give me leave to think that both these are much more to blame than the Papists, for the Papists, pursue their interest, whilest they indeavour to restore King James, and destroy this Government, but these other professing themselves Protestants, may be compared to Solomon's foolish Woman, that pulls down her House with her hands.

As to those who have not taken the Oaths, I suppose they will not say in their own excuse that they have not, because like the Quakers they scruple the taking of any Oath, and therefore it must be because they don't believe this to be a lawful Government; and if so, tho I won't call it a down right opposing of it, yet I will presume

to fay that the next step beyond this can be no other than directly to fall upon the Government; and I cannot comprehend why they have done this, if they don't intend to go further, if herein they have acted like rational Creatures, that is, to do it for some end; and since they have thus separated themselves from the interest of the Government, they must confess if, they have any ingenuity, that this is a very mild Government; and that the King is a very merciful Prince that will afford them his protection, who will not own him, for they will not find in their celebrated Doctrine of the divine right of Kings, and Passive-Obedience, that they ought to expect the common protection and priviledge of the Government, when they won't ingage to defend it, and therefore it is not easily comprehended, wherefore they do behave themselves with so much assurance, and even to glory in what they do, unless they expect some suddaen turn of Affairs; or that they think themselves so very much in the right, and have so much vertue and resolution as to indure the utmost extremity that can befall them: but as the first is not much to be feared, so their insolent behaviour does not argue that they are altogether acted by a Principle of Conscience; and I will not condemn, all of them, since I believe they may make it matter of Conscience to refuse the Oaths; but if they would have the world to think so, they should behave themselves so quietly and modestly as men that are guided purely by their Consciences.

As to those that have taken the Uaths, but swear to the King, as being only King de facto. Wi

fo

They seem not much bonester than those that have refused the Oaths, and are equally dangerous; for the taking the Oaths in that sense, is a juggling with the Government; for it is to make the King a King and no King, to make him a King for a time, and paying of him a temporary Allegiance; for it is expressly to declare that some body else has a better right to the Crown than he, and whenever that other person comes in sight, their Allegiance to this King ceases, and their living peaceably under the Government, amounts to no more than that they will live peaceably till they have an opportunity to do otherwise, and no longer; so that they dim't submit to this Government, because they believe it to be a lawful one, but that they may serve themselves of it, and be sure, which side soever is uppermost, and by this principle they may swear to any Government, the never so unlawful.

Upon the whole matter, Gentlmen, you see how watchful an eye ought to be kept upon this sort of men, notwithstanding they have the Church so

much in their mouths.

The French had lately a design to land upon us, and I believe they still hover about our Coasts, for some such purpose, but they will not make such an attempt, without the expectation of being take by the hand, and who are so likely to joyn with them as those who don't allow this to be a lawful Government; and it so falls out, that those who are now secured upon this occasion, are either such as have not taken the Oaths or else have sworn to this King as King de facto.

But



But since these men talk so much of the Church, I would be very glad to be informed how it comes to be in danger, and why they are so much the more

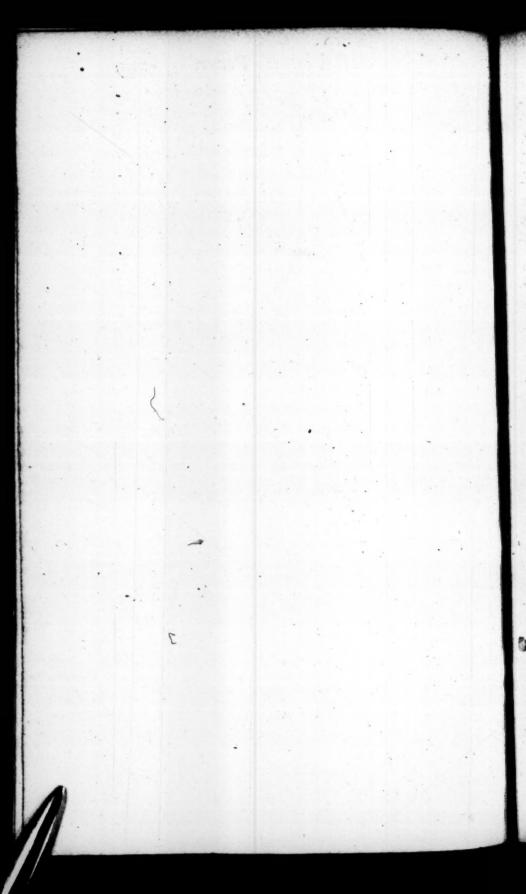
concerned for it, than the rest of mankind.

I know not well what Church they mean, but the Protestant Church of England is not so much indanger'd by any thing as by them, for till its dues and rights are withheld from it, or other violence is offered to it, I cannot imagine why any one should say it is in danger. But nothing is so dangerous to the Church, as when men of loose debauched lives, set up for its chief supporters, and when the name of the Church is made use of as a Stalkinghorse to serve the designs of a self-seeking Party: for when this party of men have nothing else to urge against those things that tend to our settlement, they generally cry out it's against the Church, so that it's hard to know what Church they mean; and this I am sure of, that I will never be of that Church, that is to be supported by King James and a French Govenment.

In short, Gentlemen, if you know of any that have spoke contemptuously of this Government; have said the King is only King de sacto, and have sworn to this Government only to live peaceably under it, or have said that within such a time there will be a change, or any other thing that tends to disturb the Government, you ought to present it. If any Parson or Vicar, not having taken the Oaths, has officiated at his Benefice since the 2d of Feb. last, you ought to present them: for it is as much an offence, in them to officiate when they have not qualified themselves, as if they had never been presented, and their contempt is very great.

Gentlemen, Tho I have not mentioned any other parts of your business, yet I know you will not neglect them: that which I have spoke to, does so immediately concern us, that I thought it necessary to inlarge upon it. And since God has so wonderfully delivered us, we could never answer it, if we do not our parts; for if we perish through our own neglect, our blood lyes at our own doors, and we deserve the burial of an Ass, if we dye like Fools: but I trust we shall not, nor do I suspect you will be remiss in your parts, and therefore I will trouble you no further, but dismiss you to your business, and I pray God direct you in it.

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# Persuasive to UNION,

### UPON

King JAME S's Design to Invade England, in the Year 1692.

Natural Body, whose Value is not sufficiently known, but by the want of it. God Almighty is wonderfully gracious to this Land, not only in continuing to us the Blessing of Peace, but teaching us the Worth of it, by letting us see the Nations round about us at War, and groaning under all the miserable Effects of it, whilest it is kept at a distance from us, and we are only at some Expence; which is unavoidable, all Circumstances considered, unless we will submit to that Monster the French King; and indeed God has done so many and great things for us, that nothing is wanting to compleat our Happiness but our selves.

Of all the Mercies this Nation has lately received, I think our Deliverance from King

James

## A Persuasive to Union.

James Was none of the least, if it be a Mercy to be deliver'd from Popery and Slavery: That we were in great danger of it, I think 'twas very evident, from what we had fuffer'd, and King James had apparently further design'd to do, had he been let alone a little longer; for his Government was become to exorbitant, that Men of all Perfualions, many of the Papists not excepted, did think his Yeak intollerable, and that it was highly just to be relieved against his Oppression: For when the Prince of Orange Landed, there was scarcely any Man that appear'd for King James; nay, a great many of his Army deserted him; which coldness and neglect, could not probably proceed from any thing so much as from the ill opinion they had of his Cause. Now if any that were then fo indifferent and passive, have now conceived a better opinion of him, it may well be suspected, that a particular pique or logie simister byass guided their Motion at that time; and if fo, it's no matter what lide they are on; for those who are govern d in luch Cases by any thing but a publick principle, are eafily turn'd about by every breath of Air.

Nor can I imagine what can give any Min a better opinion of King James, than he had of him before he went into France; the only place, as he fays, he could retire to with fafety, confidering how improbable it is, that any instructions which that Tyrant may give him, will make him

less inclined to Popery and Arbitrary

I suppose it is no news to you, that King James did lately intend to Land with a French Force; I am perfuaded that most people believe it, they that don't may as well doubt whether there was a Gun-powder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect; and it is as certain, that he and those his good friends had been here feveral weeks fince, had they not been kept back by those Easterly Winds which continued so long. Yet that did not break their measures, it only delay'd the matter; for at last they were ready to put all things of Board, but were happily prevented by the wonderful Success of our Fleet; for which the Name of the great God be prais'd.

The defeating of their delign is a Mercy never to be forgotten; for no delign, that we know of, that was ever form'd against this Nation, could be more bloody and de-

structive than this would have been. Indo it

For King James in his Declaration, does expressly say, That his invent is to spend the remainder of his Reign, as he has always design'd

fince bis coming to the Crown!

These words speak a great deal of Comfort to England; for they cannot mean less, than what he has already done. When he took the Customs against Law; Carried on Sham-plots, by his countenance and bribery, to destroy honest and worthy Men; When

Dd 2

he bereaved the Corporations of their Liberties and Franchifes; When he tuin'd out Judges for acting according to their Consciences, and filling the Benches with the Raff of the Gown; When he avowedly fet up Popery, and erected publick Chapels in all parts of the Kingdom; When he placed notorious Papists in the Seat of Justice, and brought a Jefult; into his Councels, which was more than any Popish Prince, but himfelf; ever did; When he fet up a High Commission; When he set up in Time of Peace anumerous Army to the Terror of his Subsects and allowed fo little for their Quarters, as it amounted to little less than Freequarters When he affumed a Dispensing Power, and declared he would be obey'd without referve. These and a great many other Irregularities were the product of his Reign; and it is not very probable that he is brought to a better temper, by any thing that he has feen or learnt by his Conversation with the French King; and it is as little probable that King would have treated him as he has done thad he discover'd in king · Fames any disposition to govern more mildly and reasonably for the future.

How much he is influenced to the contrara, is very evident by deligning to bring in the French upon us; the people of all others this Nation ought most to dread: n some Histories they are called the Old Enemy of England, and very truly may be called the irreconcilable Enemy of England: For who-

who ever looks into Story, will find that France has occasion d more trouble to England than all the World besides; nay, there has scarcely been any ill design against the Nation, but France has had a hand in it. as if their very Climate did necessitate them to be at Enmity with us: If any of our Kings has delign d to enflave us, they have entred into a Confederacy with France, as the People of all others most likely to serve their purpose; and it has always gone ill with England, when our Kings have made an intimate friendship with the French King, as we may remember by woful experience. Let us consider besides, that no People in the World are so noted for Treachery and Cruelty as the French, of which they have given such pregnant instances in their new Conquests, and the Protestants of their own Nation, as were never done by the most barbarous and uncivilized People; for after terms agreed on, and a submission thereupon, and without any new provocation, or other occasion given on the part of the conquered, the French have fallen upon them, taken from them that little that was left, and in cold blood murder d them, sparing neither Age or Sex : And shall not we then think our felves in a comfortable Condition, when we have fuch Task-masters as these fet over us? But it feems that thefe are they, by which King James hopes to be restored; by them he will do his work, and they are the Instruments he will imploy to make Dd 3

make the fettlement he defigns here in England; for in his Declaration, he plainly tells us, That if those he brings over with him are not fufficient, he has more of the Tame fort ready at hand. Now, though a reconciliation with King James were practicable, could there be any Moral affurance that he would facredly keep his Word, and that he had more just and righteous Intentions than heretofore? Yet to come in such company, and bring fuch a train along with him, makes it impossible to all those who have not abandon'd all Sense of Religion and Morality, and are not resolved to run into all the excelles of Cruelty and Oppresfion; and I should think the very thought of it, should be abhorred by every Man, that values himself upon the title of a honest Man or English Man.

But that nothing might be wanting to give success to this fatal Enterprize, several persons in England, I believe some in every County, were not only privy, but confenting to it, and had prepar'd Horfe and Arms to affift the French at their Landing; yet of what Profession or Communion they are, I forbear to name, and leave that to be explain'd when the Government calls them to account; and therefore only fay in general, That they who could so take the French by the hand, may well be sapposed to have renounced the Protestant Religion, and abandon'd all bowels to their Country and Posterity, and are resolved to keep pace with the

the French in the murders and havock they shall commit: for they would render themfelves suspected by being never so little remiss or backward, and thereby turn part
of the Invader's sury upon themselves; for
being once ingaged, there is no looking back,
but at the price of being involved in the
Common destruction.

After all this, what these Men will call themselves, I know not, for they cannot pretend to the Name of Protestants and

English-men.

What they deserve, that I leave to the

Law, which is to Judge them.

What we are always to expect at their hands, when they have opportunity, I think without breach of Charity I may adventure to fay, is all the mischief and ruine that our greatest Enemies would bring upon us.

What we are to do, is to bless God for bringing the design to light, before it took effect, and to do our best endeavour to detect those who are concern'd in this unnatural design, that Justice may pass upon

them.

for are not they more to blame than any others that were to have had a hand in this matter? Was it not more unnatural and unreasonable for them to joyn with the French, than for the French to have such a design against us? Would not their joyning in thay e been the chief inducement to bring in the French upon us? For such an attempt is altogether impracticable, without holding

ing an effectual Correspondence here, or else to surprize us, when we are together by the Ears in a Civil War. So that in effect, it is they that had brought all the desolation that would have fallen upon their Native Country, if that design had taken effect: He that can be consenting and assistant to the rooting up of the Protestant Religion, and ruine of his Country, what thing can be so bad, as that upon the score of Honour or Conscience he would refuse?

May not a Man, without being thought fevere, fay, What profligate wretches are these? what accommodation can be made with such persons? and what security from them can be hop'd for longer than they want opportunity to hurt us?

Is it not then the duty of every Man that has any concern for his Religion or Property, to do what in him lies to discover and bring these projectors of our ruine to Ju-

flice ?

Perhaps you may not receive any clear information, such as will legally convince any perf n of leng ingag'd in the design I have mention'd: But you may receive such information as will convince any reasonable Man, that they are concernd in this or some other soul practice against the publick Peace.

Those who have refus'd the Oaths to this King and Queen; cannot be supposed to be altogether unconcern d for King James?

But

But if any fuch have lately provided themfelves with either Horses or Arms, is that which ought not to be pass'd over unregarded: it must be for some purpose that they had fo furnisht themselves; for people do not usually put themselves to that expence, but when they have a prospect of making use of them: Their refusing the Oaths is evidence fusficient that they did not defign those Horses or Arms for the fervice of this Government: then it will naturally follow, that it was against the Government; for there is no Medium in fuch preparations betwixt being for or against the Government; he that is not for us, may reasonably be supposed to be against BS.

If any persons who have not taken the Oaths, and had Arms, yet upon a rumor for fearch for Arms have either convey d them away, or before that, had dispers'd them into hands that are not well affected to this Government, or else not duly qualafied to keep fuch Arms, is that, in my opinion, that carries great suspicion along with it; for what but a fense of their own guilt, could persuade them to convey away or hide their Arms: or wherefore should they put them into the hands of other people, but with a design to imploy those perfons in the using of them: and then can any Man suppose, that it was intended for the Service of this Government.

There

There is a report of a fort of people. who for five or fix Months last past, have talk'd of King James his being here and fettled in a fhort time, and of what powerful affiance France would give him to that purpose: If you, Gentlemen, shall be informed of any such, it is your duty to take notice of it; for it's plain by what has been lately discover'd, that they did not speak without book: they would not make fuch discourses for want of fomething to fay, but to incourage people to ingage in it, and to promore the delign: for Men do not purposely make difconries that will render them fuspected, and bring them under the difpleasure of the Government, but out of a

prospect of some advantage.

I do also hear that several who have formerly taken the Oaths to this King and Queen, have fince lately refus d them, when upon occasion they were tendred to them, and others that wish they had not taken the Oaths: If, Gentlemen, you shall be inform'd of any fuch, you ought not to pass it over in filence: for by their refusing the Oaths at fuch a time, they have justly renderd themselves suspected to be privy at least to the intended Invasion of the French: It being a vain excuse to pretend they do it out of Conscience: for if it was lawful to take the Oaths heretofore, how comes it to be lefs lawful now? but if some prudential Confideration, and not Confeience, prevailed with them at first to take the Oaths: there

then very little reason to imagine, that there is more of Conscience in the refusing the Oaths at this time, but rather that they are making sair weather against some expected revolution; for otherwise, why of all others, was this time pickt out to discover an aversion of Swearing to this Government?

Gentlemen, If any indeavour to lessen our late Victory at Sea, and to cry up the Naval force of the French, these do bring themselves under the suspicion of being no ill-wishers to the late design of the French : For, wherefore should any defire to make our Success to appear less than it is, if he were not forry that we had got the better: And wherefore should he extol the French Power at Sea, if his good wishes did not attend their designs, or else did thereby hope to keep up the hearts of his Party. that they should not despair, but expect some favourable opportunity to put their defign in execution; for they must intend either good or bad to us thereby, and which of them is most likely, I leave to every Man to judge.

I have mention'd these things, not that I am of opinion that any or all of them put together, without some other direct proof, is evidence sufficient to convict them upon a tryal; for God forbid that any Man should be condemn'd, but upon a fair tryal and clear evidence: But I take notice of those things, as they do render persons justly suspected,

fuspected, to be privy to, or approving of the late design against this Nation: which as every honest Man ought to abhor, so it is his duty to keep a watchful eye against them; for as the design was laid very broad and deep, and the success of it is of the greatest consequence to them, so I am far from believing, that they have given it over

for a lost game.

And I am the rather confirm d in this opinion, because of the incouragement they do receive from the unfortunate divisions that are amongst us. I wish from my Soul we in this City could begin that great Good and necessary Work of Union; I have always design'd and indeavour'd it since you d d me the honour to place me on this Seat; and if I have committed any mistake in order to it, shall hold my felf oblig'd to him that does shew me my error.

Thinking often with my felf of the best means to effect this, Two things have still

presented themselves to me.

First, That we would for the future study Charity more; and the Politicks less than heretofore we have done; for if Men didseriously apply their thoughts that way, it would take off most of the prejudices they have conceived against any upon slight and immateral occasions: or where there is justen cause of resentment, it will prevent all unnecessary aggravations; it will keep both sides in better temper, and dispose the one to a more moderate reparation for the in-

jury

jury he has received, and the other to be more fensible of his fault, and inclined to make a reasonable amends; it would prevent men from being too apt to take offence upon flight occasions: it will make every man understand himself better ; it will difcover to him whither his principles are true or erroneous; it will explain to many men their mistake, who through ignorance did those things whereof afterwards they will be ashamed.

The fecond thing is, that every man would confider, how far his princples and actions have a coherence: For it is not professing to be of this or that Principle, but how near he has fquared his actions to that Principle, that gives any man this title of an honest man: For two men of very different principles may be both very honest; if fo be that they are guided by no other byass, but that of their principle: For that is only an error in judgment, which is rather to be pitied than blamed; but to act otherwise than according to the dicate of their principle, is in no fort to be excused: for that is it, which truly denominates a man a Knave; he that desires to be honest, must take heed that he do not deceive himself: for men are apt to value themselves for being of this or that Party, and to flatter themselves in what they do, because they profess the same principle with fome other perfons, who are of undoubted honour and reputation. things

things are the best expedient, that I can yet think on, how far they will go in the matter, every man can judge as well as I; but this I may presume to say, that is people did seriously resect upon these things they would find so much to do at home, that they would have little leisure to observe what people do, or if they should discover any thing to be amiss in their neighbours, their saults would not appear so monstrous and unpardonable as otherwise they might.

Of all the ills of the two last Reigns, in opinion nothing was fo treacherous and devilifh, as that of making parties amongst us, that we might become our own destroyers; for as it was the furest method to effect our destruction; so if any thing should interpose to prevent our ruin, yet nothing is more difficult than to make up fuch a breach; and therefore the best that could be hoped for from it was to entail upon this Nation heart-burnings, and all the ill confequences of it; I have the charity to hope that many who helpt to carry on that fatal design, did it more out of ignorance, than for any ill intention : I believe that the arbitrary Sermons being delivered as the Oracles of God, might draw in a great many unwary people; others might comply either out of fear, or else out of hopes of preferment: But as new light is sprung up, so I hope and wish from my heart, that men would walk accordingly: If any man has been in an error, as foon

foon as he finds it, it's not his hame, but duty, as a wife and honeit man, to repent and for-fake it; and he that being convinced of it, that yet perfift in it, will find very few to whom his obstinacy will recommend him.

If any do think they were in the right, when they served as Bawds to the arbitrary lusts of the two late Kings, I heartily pitty them, for their case is desperate; yet I am perswaded that none of them would of choice had that power exercised upon themselves, and if so they will then grant that what they would not have done to themselves, is not lawful for them to do or bring upon another: if they shall still adhere to what they did, either out of fear, or else out of hopes of preferment, they must make it appear that this King has resolved upon the same methods that were taken by the two late Kings, or else declare that they think that nothing else will make him a great and glorious Prince.

Pereliaps some men cannot, bring themselves to make a publick, or direct recantation of what they have done, or of a suddaen to separate from their Party; but yet they may do things so by degrees, and so fairly too, and without any noise, as will testifie to the world, that they intend

to purfue another courfe.

As for example; if any who were active in the late Reigns, do now meddle very little (if at all) in publick matters, and modestly stand aside, as it were to make room

room for others who professed that principle, which brought about this Revolution: This will let every man see, that they are now of another temper. But if fuch persons do still continue to meet and confult upon publick Affairs, as heretofore when the power was in their hands, and do bandy, to support every man of their party at any rate, without considering their abilities, or any objection that may be made against them, on the score of their immorality or unjust dealings, but implicitly because they are of their party, resolve to give them the preference, before any other: This carries a very ill countenance with it. I cannot imagine what they propose to themselves by such diligence, unless they hope for or expect to see the like administration again England: for as it discovers no fort of inclination to accommodate differences, fo they cannot but be fensible, it will irritate and provoke those of another opinion.

On the other side, I think they are very much to blame, who take unnecessary occasions to reproach their neighbours, with what they did in the sate times: They that are thus liberal of their tongues, would do well, to consider, whether they were never guilty of some abitrary, or unjust action; and whether they have not at some time or other done something that has helpt to support some of the illegal and unreasonable proceedings of the late times;

for

for we are all frail, and had need to examine our felves before we condemn other people; now if any persons are guilty in either of these particulars, silence becomes them much better than reproaching others: however reproaching of men with their faults, is not the proper way to bring them to a right sence of their errors: whilest a sore is rubbed, there's no hopes of healing it; and men are to be instructed by reason and not railing.

Besides, railing is so poor a revenge, or satisfaction, so that if I could not have a better I would let it alone, for as I should do my self a great prejudice by it, so I would not give my enemy that satisfaction, who must needs be pleased to see ne torment and fret my self: this I am sure of, that to be ever and anon twiting people with their saults, can breed no good blood, and I wish it has not some illessees amongst

us.

You see Gentlemen, I only touch things lightly, and apply them to no body, but leave that to every man as he shall find it concerns him; if any thing I have said shall do good, I shall much rejoyce at it, if not, I hope there's no hurt in mentioning such truths as these. For I think I may possitively affirm, that a Union is absolutely necessary to make us a happy people; and that there is not a more certain fore-runner of a peoples destruction, than to see them divided into Parties and Factions.

Ee I could

#### A Speech against

I could proceed into a long discourse upon this Subject; but that I may avoid being tedious to you, I will apply my self to the particulars of their inquiry.

The first of which is High Treason, of which there are several forts of species.

To compass or imagin the death of the King or Queen, and that declared by some Overt-acts; and all those who in other offences would be accessary, before or after the Fact are Principlas in this Case.

To Levy War against the King in his Realm, or to adhere to the King's Enemies in this Realm, or to give them comfort here or elsewhere; but a Conspiracy to Levy is not Treason, unless the War be actually levyed; tho the contrary opinion prevailed in the late times, to the murdering of several worthy men.

To Counterfieit the King's Great or Privy

Seal, or his Money.

To bring in false or Counterfeit Money, knowing it to be such, to make payment with it.

To kill the Chancellor, Treasurer, or the King's Justices being in their Places, doing their Offices: all Treason, per Stat. 25 Ed. 3. c. 2.

To Clip, File or wash Money, per 3

11.5.

To Counterfeit Sign Manual, Privy Signet, or Privy Seal, 1. M. 6.

To extol any foreign Power, I Eliz.

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11:

Asserters of Arbitrary Power. 41

For a Priest or Jesuit to come and abide within this Palace, 27 Eliz.

To Absolve any from their Allegiance,

or to be Absolved, 3 Jac.

#### Petty Treason.

A Servant kills his Master, a Wise her Husband, or a Priest his Ordinary: these are made so Capital, by reason of the power or the Authority they have over them.

#### FELONY.

Either against the Person, or Goods of another.

Against the Person.

To kill another, either with Malice expressed or imployed, is Murder without benefit of Clergy.

To cut out the Tongue, designedly to to maim or disfigure another, is Felony

without benefit of Clergy.

So is Stabbing, if a Weapon be not drawn, or a Blow given by the party Slain.

So is Buggary with Man or Beaft.

Rape.

Manslanghter, is when two quarrel, and before it can be supposed that their blood is cool, they fight and one of them is slain; here is benefit of Clergy.

E e 2 Chance

Chance medly, when by accident a man flays another, or in his own defence being affaulted: These the Law pardons of Course.

#### Against his Goods.

To take any thing privately from

ftang fhou Law

> Petty Lacinary, is stealing of a thing under the value of 12d. tho it is a small offence, yet the fre uency of its being committed, requires your care to suppress it.

411

I would in particular recommend to you to take notice of Sabbath-breaking.

And Cultomary Swearing.

There are several other offences, that are inquirable of by you; but I omit to mention them, because I believe your own observation will help you therein. Only thus much I will observe in general, that whatever is an offence against the Publick, falls within your inquiry; and having said this, I

# DAGINATION -

Chance medly, when by accident a man flays another, or in his own defence being affaulted: These the Law pardons of Course.

#### Against his Goods.

To take any thing privately from his person.

To steal Horses.

Designedly to burn any Stacks of Corn or Hay.

To Rob a Church.

To break into a House and take any thing thence by day or night.

To Rob any Booth in a Fair or Market,

are all Felony without Clergy.

The Accessaries to all these and other Felonies, do sall within your inquiry: For generally, where Clergy is taken from the Principal, the Accessary, before the Fact, is to suffer Death: And good reason is it, that he who was partaker of the Crime, and without whose concurrence and assistance it could not have been effected, should fall within the condemnation of the Law.

Petty Lacinary, is stealing of a thing under the value of 12d. tho it is a small offence, yet the fre nency of its being committed, requires your care to suppress it.

I would in particular recommend to you to take notice of Sabbath-breaking.

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There are several other offences, that are inquirable of by you; but I omit to mention them, because I believe your own observation will help you therein. Only thus much I will observe in general, that whatever is an offence against the Publick, falls within your inquiry; and having said this, I will keep you no longer from your business.

Ee3 SOME

Some Reasons against the Prosecuting the Dissenters upon the Penal Laws.

Will offer my Thoughts as to the Profecuting of Protestant Dissenters, at this time upon the Penal Laws: But what I design to propose, is only what sways with me, and not to impose upon any Man, but to leave every one to approve or dislike it, according to the reasons I shall give.

To profecute them who agree with us in the same Doctrines, as it is not practiced in any other part of the World, no, not by the Papists themselves, so I fear it will look like a playing of their game for them: For it is confessed by the Jesuits, that they have found it the most infallible way to bring in Popery into any place by fomenting the divisions amongst Protestants: And if a Moderation be ever necessary, without question it is at this time expedient, and the House of Commons were of this opinion when they passed this Vote Jan. 10. 1682. That is the opinion of this House, That the Prosecution of Protestant Dissenters upon the Penal Laws is at this time grievous to the Subject; a weaka weakning the Protestant Interest, an encouragement to Popery, and dangerous to

the Peace of the Kingdoni.

Now how far this ought to be regarded, I leave to every Man to consider; but to my own particular, there seems to be great reason and prudence in it, considering our

present circumstances.

If it shall so fall, out since the making of the Act of the 22d. of this King against Seditious Conventicles, that the Dissenters have not at their Meetings preach'd any Doctrine, but what tends to instruct and persuade Men to do their duty to their God, their King and their Country, then we ought to remember his Majesties Declaration from Breda, April 14. 1660. which I find in print in these words:

We do declare a Liberty to tender Consciences, and that no Man shall be disquieted, or called in question for differences of Opinion in matters of Religion, which do not disturb the Peace of the Kingdom; and that we shall be ready to consent to such an Ast of Parliament, as upon mature deliberation shall be offered to us for the full

granting that Indulgence.

Though we are unhappy by reason of the want of a Law for the uniting of all Protestants, yet I conceive that this Declaration of his Majesty's is a very plain admonition to us, to use a tenderness towards those who preach sound Doctrine, and live peaceably with us; and for my part, I have not heard of any to be accused for Preaching unsound E e 4. Doctrine

#### Some Reasons against

Doctrine or Sedition; if there be any fuch, spare them not; but let the utmost severity of the Law pass upon them, and let them fuffer for evil-doing: But if there is no proof against them for preaching Sedition or Rebellion, it's hard to punish Men upon a Supposition, who worship God in a way that may be acceptable to him: And though I can and do conform to what the Church enjoyns, yet I have fo much charity as to believe that the Protestant Dissenters are in a direct way to Heaven, though they do not use the Ceremonies commanded by the Church, provided that they worship God in fear, with a good Conscience, and live according to the Rule of his Word: If they love Mercy, do justly, and walk humbly with God: But if a Man, professing himself to be of this or that Church, shall believe that he may take greater liberty, because of his profession. I fear it will not much avail him at the last day: It's the Heart that God regards; he requires Mercy rather than Sacrifice.

The Protestants in France are at this time under great Persecution; and if we continue to prosecute the Protestant Dissenters here, what incouragement can they have to come over hither in hopes of bettering their condition, since they will be under the same circumstances with our Dissenters; and if not here, where can they hope to be relieved? And thus their condition is made desperate.

The

The profecution of Dissenters at this time must be for one of these Reasons, as I apprehend: Out of regard to our Oath, or under pretence of ferving the Church to affift Popery; or elfe, because we are perfuaded that they cut off the late King's head: If it be out of regard to the Oath, then it must be remembred, that there lies the same obligation upon us to all other Laws that are within our Charge; but we are more especially bound to execute those Laws which immediately respect the glory of God, and the common Good; and there are several Laws, which if duly executed, would tend more to the glory of God, than profecuting of Diffenters: As common Prophaneness and open Debauchery, and the great abuse of Sunday, and prophaning of God's Worship by coming drunk to Church; and when the Service is over, return again to their tippling, and spend the rest of the day at that work, and yet think they do very well; they think they camego to their Houses justified, because they can roar and fwear they love the King and the Church, and wish the confusion of all people who do not with them run to the same excess: Whereas they are not to be trusted by the one, and are a reproach to the other. And the knowledge of these things might casily be come at, if we made it as much our bufiness to inquire after these things, and incouraged the Informers thereof as much as we do the Informers against the Dissenters.

The

#### Some Reasons against

The fecond Reason of prosecuting Diffenters, is, Under pretence of serving the Church, to assist Popery; but this is so abominable a piece of Hypocrisie, that, I hope, no Man, who professes himself a Protestant,

will ever be guilty of it.

The third and last Reason is, Because we are perfuaded that it was the Diffenters who cut off the late King's head: But that can be no inducement, because, first, there is no fuch publick Judgment passed, for it is not declared who did it; and there are more who believe it was the Papists, than that believe it was the Dissenters; and it's most probable the Papifts did it, by reason of the great joy at Rome upon the News; and the Papists here in England said publickly, That now their greatest Enemy was dead, when their King was beheaded: And besides, there is a very good argument, that the Dissenters hand did not give that stroak, in regard they were chiefly instrumental in his Majesties Restauration, whilest many who called themselves the Loyal Party sate still at home: Or if it were, as some say, that the Dissenters did that fact, yet we cannot justifie the prosecuting of them for that reafon, because it would be a breach upon the Act of Oblivion, a Law that was and is fo necessary to settle the distractions of the Nation; and he who would destroy that which compos'd our differences, does what in him lies to bring in confusion.

There are feveral Laws which are not Temporary, nor are they repealed by any other Statutes, and yet are laid afide as useless, because the Reason of them is ceafed; and Laws cease when the Reason of them ceases, as our Lawyers fay: And if fo, I cannot tell, whether it is not a very good argument, why the Dissenters should not be profecuted upon the 22d. of this King, seeing they cannot be charged to have preach'd unfound Doctrine, nor to be guilty of any contrivance against the Government.

I wish the Church of England stood upon a broader foundation, and the profecution of Dissenters would increase the Number of Souls; but truly I have not heard that it has had that bleffed effect; nay, I doubt it has wrought the contrary way: For the reason of it is plain, because the English people are very inclinable to pity any that are in diftress, nay, though they are punished justly, but when they see any in trouble on the account of some small difference in Religion, they not only pity them, but. after a while, do favour their case: And if the Laws had been put vigorously in execution against the Papists before the discovery of the Plot, they would have found a great number who would have pitied them, though the very name of Popery is detestful to the generality of the Nation.

As no Man knows his own heart certainly, by reason of the deceitfulness of it, so

#### Some Reasons against

it is impossible for one Man to know anothers thoughts; and if any Man that profecutes the Dissenters does it for these reasons that I have mentioned, or for any other, I hope he has a good end in it, and as according to his Conscience, and then I wish him good success.

If I were a busie Man, in prosecuting of people for Non-conformity, I'll tell you in what method I would proceed; but by this I don't pretend to prescribe any Man what he should do; if I can govern my self a-right it's as much as I desire, I don't take my self

to be very able to instruct others.

In the first place I would begin with the Papists, because they differ with us in Doctrines; and therefore we and they can never agree, unless one fide yield wholly to the other: I would inquire after the times and places of their Meetings, and watch them fo narrowly, that they should hardly escape me; and I would make it my business to find out their Priests, that the Law might pass upon them; and this I would the rather do, because I am persuaded that many Papists would live peaceably with us, if there were an effectual Law to keep out the Priests; and these Incendiaries, I would leave them no rest for the Souls of their feet, but I would hunt them out of the Country: For by reason of not putting the Laws in execution against the Priests, that bloody Massacre happeded in Ireland, in which there perished at least 200000 Prote-

stants. Now when I had perfectly subdued the Papists, that they might do us no hurt, then I might be at leifure to fall upon others who did not conform to the Church: And if upon the Informations it did appear, that they preached unfound Doctrine or Sedition, I would not fail to rout their Meetings, but upon every information I would examine whether what was preached was unfound or feditious, because the 22d. of this King was made chiefly to prevent Sedition; and as to all other Laws, I would not be wanting in my duty to ferve the Church: Only as to the 35th. of Queen Elizabeth, fome doubt would remain with me: First, Because the Papists are not within that Law. and it is more fevere than any Law now in force against the Papists. Secondly, Because I cannot find that any Man has been punish'd by that Law; if any have, the presidents are very few, and that Law was made upon a supposition of evil practices at their Meetings, as was that of the 22d. of this King; and I am verily perfuaded that the reason, why few or none have been punish'd by that Law is, because they have not been detected of any Sedition or Practice against the Government: But if I did put that Law in execution, I would do it against one as well as another, though they made agreat stir for the Church, it should not excuse, nay, with me that should be an aggravation of their offence; and I doubt, that there are a great many who pretend themfelves . 1 .:

#### Some Reasons against

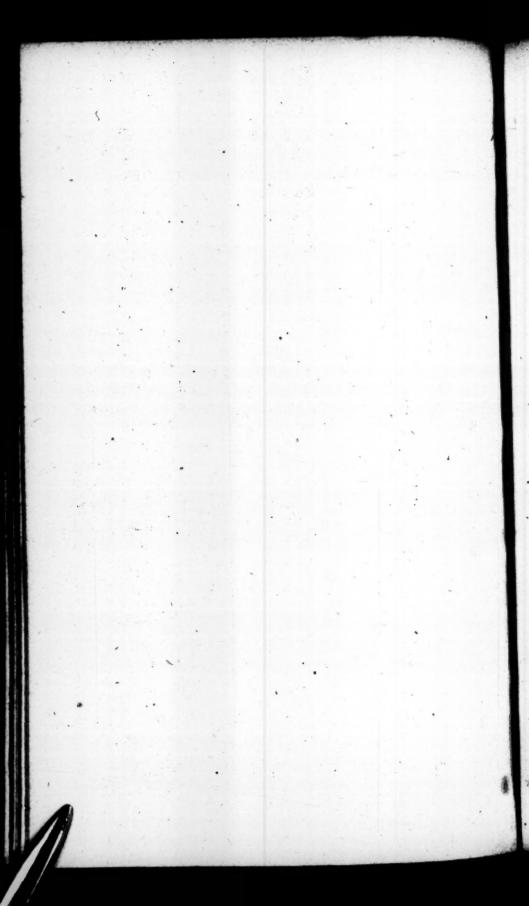
felves very zealous for the Church, and cannot with patience bear with others, who cannot go so high as they do, and yet are notorious Offenders against this Law of the

35th. of Queen Elizabeth.

Now by this method I apprehend I should incur the lesser censure, and that the World would be more apt to believe that it was my concern for the Church, that made me fo zealous, provided my Life and Converfation were agreeable to that of a good Christian, or otherwise I should have much ado to persuade the World that my End was good, unless I led a good life: For whenever any have professed themselves Zealous for their Church, and their Lives have not been answerable to their Profession, in the end it has proved that their Zeal was but a pretended one, to facilitate and carry on some felfish or ill design; and of this there are multitudes of instances, and not one to the contrary that I have met with; and the reason of it is obvious to every Man; for why should he have a real Conferve for the Church, who by his Life dishonours God: Neither do I believe that I should convince the World that I was zealous for the Church, if I fell upon the Diffenters, and did not first begin with the Papifts: For to think that the Papifts can be good Subjects as Papists, and that the Diffenters are equally dangerous with the Papifts, proceeds from the fame Principle, which is a false one:

Having

Having faid this, I will, in the next place, offer my advice to the Diffenters; That in regard there are fuch Laws which stand unrepealed, and that many are of opinion that they ought to be put in execution, without examining whether any Sedition or Rebellion is hatch'd at those Meetings, and that those Meetings may be lookt upon as a contemning of the Government, and may give offence; I think they would do very well at this time to forbear their Meetings, at least to be so moderate in their Numbers. that it may appear, they do not glory in their Multitudes; and by this Moderation I hope they may induce others to have a better opinion of them; and instead of taking them to be Men who practice against the Government, they may be found to be Men of Peace and of a good Conscience, and to be ready to stand by the Government against the Papists and all other Enemies; and then the Government, in due time, may be prevailed upon to pass a Law for the uniting of Protestants.



# DSICOURSE

Proving the

### Reasonableness

OF THE

## Present REVOLUTION,

From the Nature of Government.

Hat our Religion and Civil Rights were upon the Brink of Destruction, I believe none doubts, or is Displeased at our Deliverance, except those who were Instrumental in bringing on our intended ruine, or do wish for an Opportunity to finish it. Ever since the Reformation the united Council of the whole Popish Interest has been at work to reduce this Nation to the Romish Yoak: And first they attempted to do it by force, but after many Trials they found that Method was ineffectual, and that nothing could ruine England but it self, and therefore all their Wits were imployed how they might set us at odds amongst our Selves, that we might become A 2 2

our own Executioner: And at last they car ried their Defign very far . for it is not long fince that we faw a fort of Men amongst us. who were guilty of as much Folly as Solomon's foolish It'oman, that pulls down her House mich her Hands, and had to much ignorance or Villany, as to pretend that all they did was for the Church and Government, and tho' what they did was never to much against Law, or void of Marality, vet they termed every man difffeeted who did not cry Amen to all their Proceedings; and even most of the Clerey (who might have been supposed to have had either more knowlege or Integrity ) Preach't up and justifyed in their Pulpits, all the Irregularities that were then practiced, with as much affurance and Zeal as if they had delivered the Oracles of God: Whereas it was obvious to all Men of common Sense, that the Consequence of these things must be to bring in Popery and Slavery, for it was laid down as undoubted Doctrine, That the King had a Natural Right to the Crown, and That the King was not to be oppofed in any case; the tum of all which is, That the King may commit all manner of Oppressions, and we are bound to Submit to it for Conscience fake; which it found Doctrine, would make God Almighty unjust, and the Author of Confusion, contrary to what he has declared of himfelf in Holy IVrit.

Nature of Government might occasion those Mistakes, and I have that Charity for a great many, that I do believe they were led out of the way for want of true Information in the

Point

Point, and therefore, for the rectife ing of their Judgments, and confirming or yours, I will with your leave, give my Thoughts in this Matter, by which you will be the better able to Judge of the unreasonableness of those things that have been imposed upon us in

point of our Duty to the Government.

Government in general, and that there ought to be some fort of Government, I take to be not onlyneceffary, but of Divine Right; but the particular form is a Humane Ordinance, and the Apostle is my Authority, who has in express terms declared it to be tuch: For all forms are equal in themselves, and that becomes preferable to the rest, which bett suits the Inclinations of the People, in order to sup-port the Common Good: For had God liked any Model or Shape above the rest, all the Governments under the Sun would have been of the same Form; for in a thing of that absolute necessity he would not have left the World in the dark, but either have expresly revealed it, or discovered it to us by the light of Nature: But we don't find in Holy Writ any fuch Intimation of his Pleafure, nor has Nature yet inabled us to find it out; For there never was not is not is at this day, any two Governments of the same thape, but differ in fome thing that is very Material and ellential: And if God had thought any one Form of Government to be better than the rest. he would not have permitted that of the Ifraelites, his peculiar People, to have been altered; but we find that the Model and Form of their Constisution was altered and changed no less than A 22 2 AYC

five times: So that it is plain that God Almighty left every People ( the Jems except d) to frame such a constitution, as well as to the meature of Power of those with whom they intrusted the Administration, as of the Obedience of the Subjects, whereby the publick Peace might be best preserved, and that the reasonable and just extent of the Prerogative cannot be supposed to go further, than what men in their wits, and without constraint would judge was necessary to relieve the Subjects against the extremity of the Law in such Cases as could not be toreseen at the time the Govern ment was agreed on , and because in the two late Kings Reigns, the Prerogative was advanced to an unreatonable height, the better to accomplish the Work of Popery and Slavery; think I shall not mispend your time if I offer a few Words further upon this Point. not any thing in our Law-Books to justify the stretching of the Prerogative so far, but it is precended that Authority is found for it in Scripture; and it fo, the Word of God will justify that Oppression and Violence, that our known Laws will not Countenance; and then it will follow, that the Law of God is not so just and equal as the Statutes and Ordinances of Men: And without question it must be very extraordinary, that the Bible should tell us any thing of our Government, that is not to be found in our Statutes or Law Books.

I am perswaded that the Holy Scripture was never more wrested to serve a turn than of late it has be n to maintain the Divine Right

and

and absolute Power of Kings, for which these

Texts are chiefly inlifted on :

By me Kings Reign: Where the word of a King is, there is Power, and who may fry unto him in hat does thou? Let every soul be subject unto the higher Powers, for there is no Power but of God: The Powers that be are Ordained of God. Whoso ever therefore resisteth the Power, resisteth the Ordinance of God: And they that resist shall receive to themselves damnation: Wherefore ye must needs be subject not only for Wrath, but also for Conscience

Sake.

These and such like Texts of Scripture are to be taken in a limited Sence, or else these two absurdities will tollow, First, That God Almighty made the world for the satisfaction of the luft and pleasures of the Kings that are in the Earth, end not for his own Glory, whereby he would become the Author of all the Oppression and Violence that they shall commit. Secondly, If these Texts are not taken in a limited Sence, they cannot be reconciled with other Places in Scripture, and thereby God Almighty would contradict himself, both of which are no less than Blasphemy to conceive of him: And when thete are compared with other Texts that do explain them, they will be found to be Arguments to prove that the Fower of Kings is limited by Law, and the Right which they claim in the Crown is from the Constitution of the Government, and not by Gods immediate appointment. For as to that Expression, By me Kings Reign; he that looks into the Story, will find that these Words are not a Declaration of the Right or Power of Kings, but are enumerated amongit Aaa3

amongst the many and great things that are done by Wisdom, all which would be too tedious to mention at this time; or if they were declaratory of the Kingly Power, yet they are far from leaving Kings at large in the exercise of that Power; for the Words that follow in the same Verse, and Princes decree Justice, do plainly Argue, That Kings Reign no longer by God than they decree Justice, not when they Govern by their Will, without the Guidance of the Law. So that by this it is clear, that Kings and Governours are restrained within certain bounds and limits of Justice, and Right, according to the establisht Government.

The next thing to which I will give an anfwer, is these Words, Where the word of a King is, there is power, and who may jay unto him what

doell thou ?

Every Command of the King, so far as it is warranged by the Law, is not to be disputed, but to be obeyed for Conscience sake: And it is the interest of every man to enforce an obedience to it, because it is for the Common Good. Bit that a Man mall be bound to obey any Commands, where by no advantage accrues to him is the Publick, and is really to the detriment of both, I no more understand, than that a man ought to be his own Executioner in any Case. And if the Commands of the King are to be obeyed without disputing the Legality of them; then it will follow, That all his Commands are equally Just, or else, that his Fiat makes that uit and lawful, which was not lo ia it felf, and then by parity of reason his Command shall make that unlawful which which was just and reasonable in it self; and at this rate, no man can tell whether he act with or against the Law, till the King has declared his pleasure: Now whether this does not rather confound and destroy the very End of Government, than support it, I leave to every man of common Sence to Judge, and I think tho more might, yet it need not be said to make it clear, that this Text of Scripture is sar from proving, That Kings of Right have an unlimited and absolute power.

Let every Soul be Subject to the higher Pom-

ers, &cc.

I take the meaning of these Words to be this; That Government in general, is of Divine Institution and that when any People, and those that they set over them, have entred into a mutual Stipulation of Protection and Obedience under Such Rules of Policy and Justice, as are not inconsistent with the Word of God; this constitution is hereby so far ordained by God, that it must be submitted to, not only for Wroth, but also for Conscience sike, so long as those in Authority do Govern according to the Prescripts of the Constitution: And those words must be understood in this or some such like Sence, for if they are taken Literally, then it will follow, That God prescribed the Model of every Government; but no such Direction is to be found in Holy VVrit concerning any Govern ment, except that of his peculiar People, the Ifraelites; and besides, every Government under the Sun would have been of the same shape if God had dire and the Model of them; they cannot be taken literally, because, I fet. 2. 13. fays, Submit your felf to every Ordinance of

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man for the Lords Sake; whether it be to the Kine as Supreme, or unto Governors' as unto them that are fent by him for the punishmen of Evil doers. and for the praise of them that do well: And from there Words I take it to be clear, that it was left to every People to form such a Constitution of Government as best suited their own Inclinations: But if God had more expresty delivered him as to the form of Government, yet that of Romans 13. Let every Soul -- is no warrant for the absolute Power of Kings, for the 3d. and 4th. Verses in that Chapter re-Arains it within bounds, where it fays, For Rulers are not a Terrour to good works, but to the evil. Wilt thou then not be afraid of the Power? do that which is good, and thou shalt have praise of the same; for he is the Minister of God to thee for good, but if thou do that which is evil, be afraid; for he heareth not the Sword in vain, for he is the Minister of God, a Revenger to execute Wrath upon him that doeth evil. These Words are as expressly restrictive of the Kingly tower, as Words can be in any case; where he is to Protect or Punish is por fitively directed, and not left to his discretion, to call it Good or Evil, according to his power or fancy, but the Execution of his Power is to be guided by the Rules of Gods mord, and of the Government

It God had prescribed one or more Models of Government for the World, yet he would not have allowed that to be lawful in Kings which he has so often and severely reproved and project; and under great Penalties he has restrained their Administration within the

bounds

bounds of Justice and Judgment, and because therein he has only delivered his pleasure in general, therefore Kings are to submit to such Explanation of what is Just and right, as the Constitution of the Government has declared: For if this Explanation rested in the Breast of Kings, the Condition of Subjects would be worse than that of Brutes, unless Kings were endued with the Wisdom and Purity of an Angel of Light. If Brutes be so chased and hunted that they are forced to leave their Native Soil, yet wherever they can find rest for the Soal of their Foot, they will meet with Food and Lodging, and all other Necessaries. But when by reason of Oppression and Bondage men are neceffitated to quit their Habitations and Country, must inevitably perish unless relieved by the Charity of others. It is therefore plain that an absolute Power in any King must be gained either by force or fraud, because God has not conferred any such Authority, and it cannot be supposed that men in their Wits, and without constraint, would put into anothers hand a power that may hurt them, when it depended upon their pleasure whether he should have it or not; for a power in a King to Oppress and Burden his Subjects, is inconfistent with the true Nature and design of Preregative, which was given to the Crown to relieve the Subject, where the Law was too keen, the better to further the publick Peace.

If the Prerogative be set above the Lam, it will quickly devour it, for there is no difference betwixt making the King Absolute, and

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Laws and statutes are only Rules during his pleasure, and a King that desires to sit at ease will not find his reckoning in it, for it the Prerogative be once raised above the Law, he thereby quits his best Title to the Crown and leaves the decision of the Right to the Sword, and then he that has the sharpest will prove by that Rule, to have the best Right, but he that has a better Title will not

claim under the Sword.

What has been faid, may in a great meafure expose that vile and ridiculous Doctrine of Passive Obedience and Nonresistance, which the Example of David Sufficiently retutes, and no man can pretend to Juttify, but either because he wants common Sence, or in hopes of Preferment, will (if he can) outface all manner of Truth. However it was so useful to carry on the Delign of Popery and Slavery, that all possible ways was tryed to propagate this Doctrine, and all Discouragements put upon those who did any thing to lessen the credit of it: Just like the policy of the Romish Priests, who forbid the Laity the use of any Books that may give them better Light; and it is very strange that this Doctrine did not obtain more Credit, considering how it was supported both by the Palpie and Press. But God be praised that the Nation preserved its understanding, and that the time is come that the Truth may be spoke in publick.

And I would have stopt, but that I conceive it to be convenient to say something to let you see how senceless and impudent they are who profess themselves to be Protestants, and yes are diffatisfyed that the late K. James is fet aside and King William placed upon the

Throne.

And first Ido fay, that Ithought it my Duty to draw my Sword in the Defence of my Religion and Government, and I did and do think it as lawful to reject the late K. James, as to place K. William on the Throne: I hope to fatisfy all that hear me, that the present Settlement is Justifyed both by the Laws of God, of Nature and the ancient Government.

If what is done were rather expedient then lawful, yet one would think that particular persons might acquiesce in what is done by the collective Wisdom of the Nation, I mean the Lords and Commons, and I shall ever believe that man to be mistaken, who thinks himself either more wise or fust than the two

Houses of Parliament.

Till the Prince of Orange Landed, Iam perswaded that most were of Opinion, that we . had but this Choice left us, either to Turn or Burn, and I am inclinable to think that all fuch as are for recalling K. James, are prepared to turn, and I wish every man that has a mind to have him here again were with him; I know not whether it would be best for them, but I am fure it would be fo for every man that withes well to England.

But to speak more home and directly: I take it, That there was a People before there was a King; That they fer the King over them for their good; That the Obligation

of Protection and Subjection is Mutual: That a King by reason of his Male Administration may forceit his Crown; That the End of Government is Peace and Order; That it is more for Gods glory for every man to sit saicly under his Vine than to be oppressed? That no Government can be destitute of a Power to relieve it self; That the whole is better than a part; That this late Settlement is no new thing, the like having been done in all Kingdoms and Governments.

To suppose there was a King before there was a People, is as ridiculous as to suppose a man to be born before he is begot; or that a man can live without Food, or run before he can go, and it will follow that a King may be a King of nothing, for what is a King if he have no people? Militudes of other Abturdities will follow; so that I need not say any

thing more to it.

And Ithink the next thing is as plain, that it is for their good when a People sets a King over them; For to what other intent can it be done; all things are done for some end, and a People cannot be supposed to be void of the Principle of self preservation, since that is inherent in Brutes and Plants, and nothing that either breaths or grows but endeavours to preserve it self and can it then be imagined that a People would choose a King for their hurt rather than for their good? I ideed sometimes in Judgment to a People, God has blinded their Eyes in their choice they have made, but their Intention was otherwise.

And I take it to be as clear, that the Obligation of Protection and Subjection is Mutual;

for

for the very Nature of all Agreements proves it; for in any thing of that nature, if one fide be bound and the other at Liberty, it demonstrates the folly or Rashnets of the one Party, and cunning or good Fortune of the other, and cannot so properly be called a Bargain as a Submission. Subjection is really an Effect of Protection, and arises from it; otherwite Parents would have it in their choice to provide for or negled their Children, and tho' their Right is from Nature, and for that Reason more Arbitrary than when it proceeds from compact, yet no man will deny, but that Parents are bound to Educate and provide all other Necessaries for their Children, as far as their Substance will enable them, and that nothing can discharge them of this Obligation but the Notorious Disobedien e and wickedness of their Children: The Nature of our Allegiance proves that the Obligation is mutual, because the King takes the Coronation Oath, before the Subjects fwear to him, which shews that our Allegiance is Conditional, and such it is in all regular Governments, for what can induce one man to obey another, but that he ingages to protect him; for if I am bound to obey where I have not an Affurance of Protection, then if a Tyger or other Monster could get into the Throne, I should then be under the same Obligation of Obedience, but the reason of this is so obvious to every one of common Sence, that I will fay no more to it.

I think it will not be disputed, that the End of Government is Peace and Order, if not

for the fe, it must be for Confusion, because there is no Medium between Peace and Confusion; now God could not intend the latter, because he has declared himself to be a God of Order, and therefore fince all Government in general does Originally proceed from God, that Admini-Aration is rather an Ujurpation than Government that commands or permits the Listurbance of the Subjects in the Enjoyment or Possession of their Rights and Properties. And therefore it will follow, That it is more for Gods glory, that every man do fit fafe and quiet under his Vine and Fig Tree, than to be oppreffed. Oppression intimates a wrong or Injustice, and God will not Authorize that which he has declared to be unjust; for just and righteous are all his ways: Oppression will make a mise man mad, which thews that Surjects have a right in their Properties, as well as Kings have to their Crowns: If there were not some such Right, there could be no Oppression or Injustice, for Oppression or Injustice, i. when that which is anothers Right is detained or taken from him against his consent. If Naboth had not had a Right in his Vineyard, Abab need not to have Capitulated with him to have it for a Garden of Herbs, neither would God have visited Ababs Family for the Blood of Naboth. And I never knew any man to maintain the Doctrine, That all our Rights and Properties were in the Crown, but he hoped thereby to encrease his Estate: And few ever pretended to be of that Opinion that were not broken in their Fortunes, or aimed at their Neighbours.

present Revolution proved.

435

If therefore Peace and Order is the end of Government, and that it is more for Gods glory, that every man fit fafe under his Vine and Fig. Tree; then it will follow, That a King may forfeit his Crown by reason of Male Administration; for otherwise it will follow, that God made the World for the Pomp and Grandure of Kings, and not for his own Glory; that there is no such thing as Property, no such thing as Right or Injustice, that there are no Laws but his Will and Pleasure, nor any thing to guide him but his own Fancy.

The

MVS EVM BRITANNICVM

#### The CASE.

QUERY,

Whether a Conspiracy to Levy War, is an Overt Act of Conspiring, or Imagining the Death of the King.

IT has been declared in the Affirmative by the fome modern Precedents; But whether those Judgements did Proceed from Ignotance of the Laws, or to serve a Turn will be enquired into when the time comes, that the plain English may be spoke, that is necessary to open and discover the truth of the Case.

There are several things which may give occasion to make it be so generally received in the Affirmative, but it has chiefly preceded from making Distinctions where the Law has not distinguished, which is altogether forbid; if Rules in Law are of any Authority, or signify any thing, for non est distinguendum ubi Lex non distinguit.

And therefore this Opinion will eafily be refuted by confidering these things which follow.

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First,

First. Whether any Court, the Parliamenter cepted, can Try a man upon an Indictment for High Treason, that is evounded upon Common Law?

Secondly, To what end and intent the Statute

25. Ed 3 Chap. 2, mas enacted?

Thirdly, Whether Conspiring the Death of the King, and Levying of War are distinct Species of Treason?

fourthly, Whether every Law is not to be construed most strictly to restrain the mischief against which it was enacted?

Fifthly, What is the true meaning and signification of being provably attainted by Overt Deed?

As to the first, It seems to be out of doubt. that at this day, there is no fuch thing as an Indictment at Common Law for High Treason, tho for other things there is, because there is no Precedent of it fince the Statute 25. Edw. 3. for every Prisoner that is Arraigned for Treason, does commonly demand of the Court, upon what Statute he is Indiaced, and it is always answered, upon such a Statute, and the par-Belides, every Imticular Statute is named; peachment before the Lords in Farliament is grounded upon some Statute, and if so, a Fertiori : no inferiour Court can try the i risoner upon an Indictment for High Treason, grounded upon Common Law : For the Law which delights in Certainty, especially in Case of Life, will not allow of an Indictment at Common Lan, because no Issue can be joyned upon it by reafon of the uncertainty.

As to the Second, To what end and intent the Statute 25 Edw. 3. was made, Edw. 3. was a great

Prince

Prince and Victorious Captain, which gained him a very great Renown, but that which made his Name the greater, and his Fame the more lasting, was those good and beneficial Laws which were enacted in his time, by which he restored and beautifyed this Government, which had been defaced, and almost destroyed by the illegal Proceedings during his Fathers irregular Reign and of all the Oppressions, under which the Nation groaned at that time, there was none that lay heavier upon them than that extravagant License which the Judges took to Interpret, and call any thing Treason: And this appears by the particular Joy which the whole Land expressed at the making of the aforesaid Statute. For tho' he call'd Parliaments very frequently, and none of them prov'd abortive, for every one of them produced good Laws, yet that Parliament which was held in his 25th Year, did more than all the rest, and of all the Beneficial Laws which were then enacted, the Second Statute, whereby Treason was reduced to a certainty, gave the People greatest cause to lift up their Hearts and Voice in Thankfulness to God and the King, because the Jaws of that devouring Bealt were broken, which had torn in pieces so many Families, and threatned destruction to the rest. So that this Statute was made to restrain all Treasons, that may be made by inference or implication, and to limitabe Judges so strictly, that they may not call thing Treason, but what is literally such Bbb 2

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in the Statute; for it is there provided, That if any fuch like Treafons shall come before any of the Juflices, that they must slay, without going to Judgement, till the Cause be declared before the King and his Parliament. And all subjequent Statutes of Treafon, are as fo many Confirmations of this Law, for they had been needlefs it the judges could have called any thing Treason, but what is literally within that Statute; and that Statute had been made to no purpose, if it had not so strictly restrained the Judges. And my Lord Chancellor Notinghan was of Opinion, That even the Lords in Parliament could not proceed upon an Indictment of High Treason, unless the Fact alledged in it were first declared by some Statute to be Treason.

As to the third thing. It never was, nor ever will be denyed, that Compassing the Death of the King, and Levying of War, are two distinct Species of Treason, unless all Treasons are of the same kind, but if there are several forts of Treasons, then it will follow, that these are also distinct. Because in every Statute of Treason which mentions Conspiring the Death of the King, and Levying of War, they are named distinctly besides, they are different in the manner of Proof, for that which is necessary to prove the one, does in no fort prove the other; and furthermore, the one may be effected, and the othernever so much as intended or designed; 25 that the King may be Murdered and no War levyed, nor intended: And moreover in the one

one Case, it is Treason as well to intend, as to execute it, without relation to, or being joyned with any thing elfe; but it is not so in the other; for it is Treason absolutely in it felf, as well to compass the Kings Death, as to Kill him; But an Intention to Levy War, and the doing of all things in order to it, is not Treason, unless the War be levyed, except by Misplication or Inference; and thus much may ferve to prove that they are distinct Species of Treason.

As to the Fourth, No doubt, that every Statute is to be construed most strictly to restrain the Mischief against which it was enacted: For the Uninterrupted courfe of all Judgments and Refolutions, have been accordingly, and nothing can more directly thwart common Sence, than to make it otherwise: and therefore if the State be absolute, the more forcibly that it is construed to restrain the Mischief, the more truly is the intent of the Statute purfued; for how shall any evil be supprest if the remedy must be applyed but by halves: For the Law would then be rather a Mockery than a means to redress the Mischief, if it hall not be taken most strong ly against it; either it is, or it is not a restraint of the Evil; if it is not, why was it made; If it is, It must be understood in that Sence, by which the Mischief or Evil, may be effectually prevented and suppreffed.

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As to the Fifth, The Answer will be best understood, by Considering sirst the Signistications of these two words apart, Viz. Provably, and Overt.

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Provably, Signifies To prove or make good, by Evidence, Argument, Reason or Testi-

mony.

Overt, has all these Significations, open, clear, plain, apparent, manifest, notorious, evident, known, undoubted, certain, perspicuous.

This then being the Significations of those Words; what then can follow more Naturally, than that to be provably attainted by Overt Deed, is that the Fact must not only be direct, apparent, and notorious to the point, but it must also be proved clearly, evidently, plainly, and perspicuously void of all doubt or obscurity; and those two Words being taken together, do the better Expound each other, and seem to be choice Words culled out by the penners of that Statute, as the most expressive against all Implications and Inserences, which might be made in Case of Treason.

The ethings being premised, which are as easily proved as alledged, there will remain very little for them to maintain their Opinion, who say, That a Conspiracy to Levy War, is an Overt Act of compassing the Death of the King.

The things which are commonly and chiefly

chiefly urged for that Opinion, are these

two.

first, It would be of dangerous consequence, if a Conspiracy to Levy War, may not be interpreted an Overt Act of Compassing the King's Death, because there is no means left to prevent it, and the Mischiess attending it, when the War is Levyed.

Secondly, If a War be levyed, the Death of the King must needs be intended, and will certainly ensue if the Rebels prevail.

In answer to these it may be replyed, That the one of them is but a bare Objection, and that the other is no substantial Argument, because it begs the Question, and then surely that must be a feeble Opinion, that has no better a Foundation.

But a more particular answer to them, will discover the Sandy Foundation upon which this Opinion is built: And it will be more proper to begin with the Second, because in giving an answer to that, the other will in a great measure receive an Answer also.

Therefore as to the Second, It may be obferved, that the Death of the King is made
fo certain and necessary a Consequence of
Levying of War, that by reason of that
certainty, a Conspiracy to Levy War, is an
Overt Act of Compassing the Kings Death:
Now therefore, if that certainty will not
hold, but that many Cases may be pur, and
Instances produced, wherein the Kings
Death is not intended, nor did it ensue
Bbb 4 upon

upon the prevailing of the Party; then is the whole weight and strength of that Ar-

gument of None Effect.

The Hugonots in France have heretofore Affembled together in Arms, and tho' they repeated it several times, yet in which of those Occasions does appear, either by the cause of their coming together in that manner, or by the iffue of it, that it was Levelled at the Kings Life; No, the Caule of their tifing in Arms, was for the afferting of their Religion and just Rights; for as foon as their Reasonable Demands were saissyed, they laid down their Arms more willingly than they took them up; neither did they attempt any thing against the Kings Life, when he was in their power; but after they were answered in those things to which they had Right, both by the Laws of Nature, and the Government, immediately they returned home in peace, and upon all other occasions proved the most firm and Loval Subjects of all that Kings Dominions, and as this present King of France must witness for them, if he will do them sufrice.

If the Protestants in France should at this time take up Arms upon io just a provocation as they now have, it would be very senceless to suppose that they Levy'd the War with a principal Defign to Murder the King, and not for the Defence of themselves and their Rights, which are so inhumanly, and against all Law and Justice at the

lame

same time invaded and ravisht from them. Story is full of like Cases and Instances to thist but to speak more particularly to England: What was the Barons Wars, the anfwer to which must be, that they took up Arms to affert their Rights and Liberties, which the King, contrary to his Oath, withheld from them, and that it lasted near 40 Years, yet the Kings Death was never intended, nor his Life in any danger, for as foon as their just demands were answered, they put up their Swords, and every man returned home, and pray'd for the life of the King. And cut of English Story what one instance can be produced, wherethe cause of War was declared to be against the Kings life, or if that party prevailed, the King was put to death by their general confent and approbation: For tho' it be true that there are some instances where they have been Murdered after the War, yet it is alfo as true, that it was by private Affacination, and not by the confent and privity of those who levyed the War, for all those that were concerned in the Murder, were condemned and executed for it as Traitors, as in the Case of Edw. 2d and Richard 2d. And as for that of Charles the First, which is fo much preffed and urged, tho' the Cause of War had been expressly against his Life, yet as one Swallow does not make a Summer, so neither does one Precedent prove the Point; but besides in that case of Charles the First, to infer from thence, that the Kings

Kings Death is principally intended by levying of War, is altogether as weak an Argument, as to fay, because a thing falls out by accident, therefore that very thing was the principal Design and Aim of the whole Action: For in that War, those who first took up Arms, did it to oppose the Kings Arbitrary Practices, and tho' he was afterwards put to Death, yet it was altogether against their intent or desire, and most of the Army was against it, and would have prevented it, but that they were at that time to broken into Factions and Parties that they durst nottrust one another; for after the Tragedy was acted, those who first took up Arms, immediately upon it laid a them down, and were afterwards the chief Instruments in the Kings Restoration.

But if the Kings Death is the principal thing designed by levying of War, To what purpose is the War levyed? cannot the King more easily be taken off by poyson or a Private Affacination, to the effecting of which opportunities cannot be wanting, and fo with more certainty they obtain their End, and run less hazard in the executing of it, than they would by a War, except they are not content to Murder him, unless they cut the Throats of all those that would defend him : Indeed to do it by an open War, rather than Poyson, or a priyate Affacination is the more generous way; for they give him warning and timely Notice

rest way. Therefore, a War when levyed must be for some other intent then to take away the Kings life, since when Englishmen enjoy their Rights, no Prince is so great and happy in the Heads, Hearts, Hands and Purses of his Subjects than an En-

glish King is.

But yet allowing that upon every War levyed, the Death of the King would certainly ensue if the Rebels prevail, yet this Question does not naturally arise, Viz. Where is that Statute which does in express Terms say, that a Conspiracy to levy War is Treason; For if it be not so expresly and literally within some Statute then it is a Construclive Treason, and consequently no such Treafon as upon which the Judges may proceed, if the Statute 25th Edward 3d, was made to any purpose, for that Statute restrains all Constructive Treasons or none, but if the Judges may in any one Case make a Constructive Treason, they may do it in all, and so we are left in the same uncertainty about Trea-Son as we were before the Statute 25th Edm. 3 was made.

If the Judges might Judge upon Constru-Elive Treason, yet it seems to be a far setcht Construction, to make a Conspiracy to levy War, an Overt Act of compassing the Kings death; for this is not to be provably attainted by

Overt Deed.

Firft,

First, Because that Conspiring the Death of the King, and levying of War, are two distinct Species of Treason, and therefore it would be very unnatural, and too much forc't to joyn these two together, and as it were to unite them, that are so different and diverse, not only in the manner and Matter of Proof, but also in themselves.

For then, Secondly, a Conspiracy to commit any other Treason, may also be called an Overt Act of imagining the Kings death,

which was never yet pretended.

Thirdly, A Conspiring of any one Treafon may be an Overt Act of any other Treafon.

Fourtbly, Any other Criminal Act, may as well be called an Overt Act of Conspiring

the Kings Death.

Fiftbly, This is to make it a Treason of it self, for there is very little difference, betwixt calling a thing Treason in it self, and to make it an Overt Act of some Treason within the Statute.

Sixth'y, A Conspiracy to levy War : was not

Treason at Common Law.

Seventhly, The Statutes of the 23d of Elizabeth, and the first and 3d Jac. 4th which make it High Treason, to Reconcile any to the Church or See of Rome, or to be so reconciled, were enacted to no purpose, if a Conspiracy to levy War, is an Overt Act of compassing the Kings Death; for what can tend more plainly and directly to levy War, than to perswade the People to renounce their

their Allegiance to the King, and to promise Faith and Obedience to some other Power; so that these and all other Statutes concerning Treason, which have been made since the Statute 25th Edw. 3d. are as so many Confirmations of it, and prove that the Judges can call nothing Treason, but what is literally such, within that or some other Statute.

Eighthly, My Lord Cook says, That a Confpiracy to Levy War is not Treason, unless the War be levyed in sucto, and questionless his Opinion is very good Law, because in many Cases, it is not Treason to levy War, and a Fortiory, a Conspiracy cannot; for look into the Statute First of Queen Mary 12th,

where it fays,

If any Persons, to the Number of twelve on above, being assembled together, shall intend, go about, practice or put in ure, with Force and Arms unlawfully, and of their own Authority, to change any Laws made for Religion, by Authority of Parliament, standing in force, or any other Laws or Statutes of this Realm, or any of them the same number of twelve or above, being commanded or required by the Sheriff of the Shire, or by any Justice of Peace of the same Shire, or by any Mayor; Sheriff, Justices of the Peace, or Bayliffs of any City, Borough or Town Corporate, where any Such Assemblies shall be unlawfully had or made, by Proclamation in the Queens Name to retire. and repair to their Houses, Habitations or places from whence they came; and they, or any of them, notwithstanding such Proclamation, shall

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continue together by the space of one whole Hour, after Such Commandment or Request made by Proclamation, or after that shall willingly, in forcible and Riotous manner attempt to do or put in ure any of the things above specified, that then, as well every such abode tog ther, as every such Act or Of. fence, shall be adjudged Felmy. And if any person or persons unlawfully, and without Authority, by ringing of any Bell or Bells, sounding of any Trumpet, Drum, Horn or other instrument, or by Firing of any Beacon, or by malicious Speaking of any Words, or making any Outcry, or by fetting up, or casting of any Bill or Writing, or by any other Deed or Act, shall raise, or cause to be raised, any persons to the number of twelve or above, to the intent, that the same persons shall do or put in ure any of the Acts above mentioned; and that the persons so raised and assembled, after Commandment given in form aforesaid, shall make their Abode together, in form as is aforesaid; or in forcible manner put in ure any of the Acts above said: That then all and singular Persons, by whose speaking, deed, act, or other the means above specified, to the number of twelve so raised, shall be adjudged Felons. If any Persons to the number of forty or above, shall Assemble together by forcible manner, unlawfully and of their own authority, to the intent to put in ure any of the things above specified, or to do other Felonies or Rebellions, act or acts, and so shall continue together by the space of three Hours after Proclamation shall be made, at or nigh the place where they shall be so assembled, or in some Market Town

Town thereunto next ajoyning, and after Notice thereof to them given, then every person so millingly assembled in forcible manner, and so continuing together by the space of three Hours, shall be adjudged a Felon.

The things provided against by this Statute are plainly and directly a levying of War, yet are they declared to be but Felony. But it may be ob cetted, that by Statute 3d. and 4th Edw. 6. These Offences were made Treason, it is very true, yet it does not alter the Case, but rather proves the Point; For first, it being made Treason by Statute, proves that it was not so in it felf. Secondly, Eccause in the two next succeeding Reigns it is declared to be but Felony, for the Statute of Queen Mary is confirmed by Statute 1/t. Eliz. 16. and therefore the Argument is the ffronger, because those two Queens were of different Religions. Thirdly, Because when a thing is declared an Offence by Act of Parliament, and is afterwards made a less Offence, it proves, that it was not fo great an Offence in it self, but that the necessary Circumstances of I ime and Affairs, require it should then be such.

But the Case is yet stronger, because, in some Cases it may be but a Trespass to levy War, as it was in the Case of the Earl of Northumberland, 5th Henry 4. He did actually raise Forces, and such as was taken to be a levying of War, for which he was

questi-

questioned before the Lords, and tryed for High Treason, but the the Lords did believe the Fact, yet they adjudged it but a Trespass, because the Power raised were not against the King, but some Sabjects. This precedent seems to carry great weight in it, first, because it is a Judgment given in the highest Court of Judicature, and Secondly, Because it was given so soon after the making of the Statute. 25th Edw. 3. and therefore they must be supposed to understand the meaning of the Statute full as well as succeeding Ages.

The Case of those who aided Sir John Oldcastle, might be also urged if there were occasion, but what has been already said is sufficient, yet one Clause in that Statute 25 Edward 3d. is not to be passed over in silence, because it puts the matter out of Dis-

pute, and the Clause is as follows;

If percase any man of this Realmride Arm'd, covertly or secretly, with Men or Arms against any other, to Slay him, or Rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the mind of the King nor his Council, that in such case it shall be adjudged Treason, but it shall be judged Felony or Trespass, according to the old Laws of the Land of old timesused.

This proves, That altho' the Statute had made it Treason, yet that it was not so in it self, and therefore it will follow, that if a War may be levy'd, which is neither

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Treason nor Felony, so it is unnatural that a Conspiracy to Levy War should be construed to be an Overt Act of Compassing the Kings Death.

Thus the Second thing Objected has received a full answer, and likewisethe first in a great measure, but to put all out of doubt, a few words hall be added to give a

compleat answer to the first also.

If the Consequences on all hands be duely considered, the danger will be found to lye on the other hand, yet be it as great as it can be pretended, let it be considered, that the Law has settled the point, and so it must stand, till by the same Authority it be alter'd, for the Kule in Law, is not to be forgot, Nemo Legibus Sapientier. It is to be pretended, that out of a tender regard, that the Law, and all Subjects ought to have for the Kings Life, that a Conspiracy to Levy War, is taken to be an Overt of Compassing the Kings Death. To this it may be answered, by way of question; How comes it about, that this Age should have a greater care and tendernels of the Kings Life, than our forefathers had? Can it be lmagined, that they did not understand the Nature of the Covornment as well as we do, nor did know of what Confequence to the Publick, the Preservation of the Kings Life is? Can it be thought that they did not duely weigh and confider the confequence on all hands? Yet however were there never so many Defects in it, seeing it is settled by Law, it cannot be altered but by the fam:

454 Whether a Conspiracy to Levy War,

fame Power, for it it may, then let the Consequence be duly considered of leaving it in the Breatt of the Judges to rectify the Mittakes or Defects, be they Fictions or real, for then, when a turn is, to be ferved the Law shall always be defective, and soin eff & they shall Legemdare; Treason will then be reduced to a certainty, that is, if the Judges please, otherwise not. There will be no need of Parliaments, for the Judges shall both declare and make Law. What will all our Laws fignify, tho made and penned with all the Wisdom and Confideration that a Parliamen is capable of, if the Judges are not to be tyed up and guided by thole Laws, it renders Parliaments useless. and fets the Judges above a Parliament. They can undo what the other has done; the Parliament Chains up some unruly Evil or Mischief, and the Judges let it look again. But besides, where is this dangerous Consequence as is objected ? Indeed there had been some weight in the Objection, had a Conspiracy to levy War been left wholly unpunishable, but the Law has provided a punishment commensurate to the Offence, and tho' it does not extend to Life, yet is fufficient to deterr Men from the Commilfion of it; yet if a Conspiracy to levy War is to be punisht in a high degree, as a War when levyed, this would be to punish Thoughts as highly as Deeds, which it it be just, yet it is Summum jus. VVhere is an Overt Act of Conspiring, &c. 455

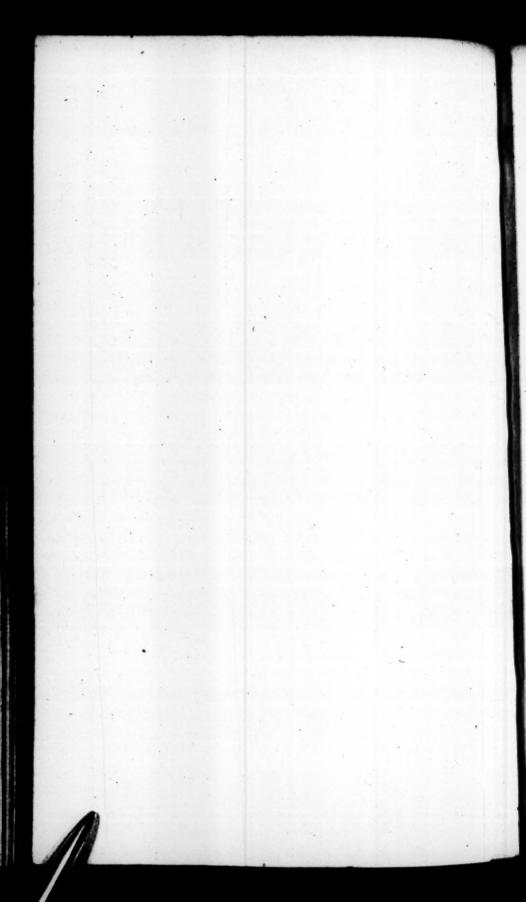
VVhere the Law has provided a Punishment for an Offence, the Judge can pass no other Judgment upon the Prisoner, no no more than the Executioner can execute the condemned Person, in any other manner than according to the Sentence passed upon him, without incurring the Guilt of Felony; for the one is but the Officer to declare or promote the Law, and the other the Minister to Execute it.

Therefore, upon what has been said, this conclusion will follow, that no man can (before the Judges) be Convicted of Treafon, unless the Fact be expressly and literally Treason within some Statutes, and he be thereof provably attainted by some Overt Deed, and consequently a Conspiracy to levy War is not an Overt Act of Compassing the Kings.

Death.

Ccc 2

Rea-



## REASONS

For an

# UNION

Between the

### CHURCH

And the

## Discenters.

to lament and complain of:
and there is nothing that is a
greater cause of General Sorrow
than the Rents and Divisions that are
amongst Protestants: It is confessed on all
hands, that the only way to repair these
Breaches is, that both sides must yield; but
who must lead the way, is the first question,
and to that I think there is a very Natural
Answer, which is this. That they who have
the Care and Guidance of the Church,
Ccc3 should

#### 458 Reasons for an Union between

should by their Condescention in some things that are indifferent, give a good Example to induce Diffenters to come up to be more conformable; for they that are the Guides are to lead and not to follow: As if there be a New Law made, whether they that are to fee it duely executed, shall first put it in practice, or else neglect it till it be done by the Rabble; and in this I conceive there is no difficulty, neither can there be any doubt in the other. And there is yet a further Reason of it; for what hopes have Protestant Dissenters to affect an Union, by coming up to some things, so long as they fee the Bishops are so far from parting with One Indifferent Ceremony, that they are dayly re-affuming several things that the first ? eformers had cast away: in that they are at no certainty; for what know they but when they have conformed to all that is now injoyned, then shall other new things be imposed upon them? So that without question, it is ne effery that the Bishops do begin the work; and methinks they fnould strive to have the Honour of so Famous an Undert king, as to be the first Authors of Uniting Protellants; and it is to their Regroach that they have delayed it to long.

It is true there is an Objection made against remitting any Ceremonies, which is this; That Dissenters are not yet resolved what they would be contented with; and therefore if you comply with them so far as they desire, all things would be brought into consustion, and the Church

mould

would be laid desolate and therefore the Ceremonies are to be kept to preserve Order and Unity in the Church.

Ido acknowledge that Order and Unity are very necessary to be maintained; but turely that is not the right way to preserve Order and Unity in the Church, by making things necessary that are indifferent (if that be the worst that can be said of them) to keep Thousands out of the Church; and methinks that man ventures very far, who will make that necessary for which he has no Command from our Saviour, or the Apostles. I do also acknowledge, that there is no great hopes to bring in all Diffenters; but though I cannot gain all, yet shall we not bring in as many as we can? and he that has confidered it without prejudice, cannot but be of Opinion, That if Three or Four things were taken away, or left ad libitum, that feveral thousands would conform, and be very good Sons of the Church. And these things which they desire not to have imposed on them; are not Fundamenta's, and if they were taken away, would leave the Doctrine of the Church as found as before, and the Discipline perhaps more pure, because it would come nearer to the Frimitive Institution; which perhaps is that that makes the Morfel to bitter to their Lordflips the Bishops. But besides this these ceremonies which differers find fault with, are old Popish Ceremonies, and retain'd by the first reformers to bring in the Papists that were inclinable to turn; and besides it had been as dangerous to have taken away all at a clap, Ccc 4

460 Reasons for an Union between

for Q. E. had icen the bad effects of a suddain thorough change both in the time of her father, and her fifter Q. M. and therefore the would not pretend to build Rome of a day, nor to take it down the next, but she proceeded by degrees as the found the people would bear it: For its a dangerous thing to pressany thing against the stream of the Nation, and who e're he be that thinks to carry it, will find himself Grofly Mittaken: Therefore she was forc't to keep in Many of the Fotifb Ceremonies, the better to unite the People; and if that was her design in retaining these Cere monies, then without question we have no further occasion for them, because the defign is at an end for which they were retained: And no man can be so senseles as to think that the first reformers had done all that was to be done, but that they left some thing for them that succeeded to finish: They had Marked out the work, and have done a great deal towards perfecting of it, but yet they left a great deal to do for them that came after: And I wish it were also confidered, that in regard the first reformers retain'd these Ceremonies to bring Papists into the Church; why should not we have the fame Charity to lay them aside, and bring in Protestant diffenters? Ought not we to have the fame bowels of Compassion that they had? As for my own particular, I can comply with every thing that the Church does Command, but it cannot but trouble any good man to fee his brethren thut out the Church and the Dissenters. 461

of the Church, because he has not on such a fuit of Cloaths, or will not bow to this or that Post: The Kneeling at the Sacrament I wish there be not too much Idolatry in it. and bowing to the Altar is of the same peice: but I believe there are Thousands who have never considered these things so far, or perhaps not at all; who are very averse and do not conform, because they Savour of Popery; for the temper of England is bent against Popery, the name of it is distastful to those that know not what it is : Therefore it is plain that it is not for the good of the Church that these Ceremonies are not layed aside, and the Bishops themselves do know that the Churches would be fuller if these Ceremonies were left indifferent : But the true reason why they contend so strongly for Ceremonies, it is not to preserve the Church, but to support themselves; for they very well apprehend, that their floath and neglect of their Cures, would be layed open by the care and vigilancy of many Pious and able men, who would conform, if Ceremonies were left indifferent : And then it would not be so easy for them to ingross such Multitudes of Livings and Church-preferments into one hand: They are afraid left peoples eyes hould be further inlightened, and a thorough eformation should be wrought; it is terrible to them to think of reducing Episcopacy to its primitive institution: They are sensible that then it will be discovered that in the Primitive times there was no such thing

#### 462 Reasons for an Union between

thing as an Arch-Bishop, and that it came in with superstition and blindness: These and abundance of other things that I could reck-on, stick on their Stomacks, but I will not loose

your time by recounting of them.

In regard therefore that the enjoying of Ceremonies keeps Thousands from conforming: Idesire to be answered, whether they who stickle for Geremonies do not play that Popes Game to his greatest advantage, for that which the Pope has always made his design, is to divide Protestants, and he knows there is no other way to ruine them but by somenting differences amongst them; for all his other devices have proved nothing in

Comparison of it.

Aud yet these Ceremony-Mongers do speak plain sometimes; for tho they pretend to be for uniting of Protestants, yet they will tell you that Presbyterians are worse than the Devil, and the Papilts are to be esteemed of ten fold better then they fo that it will out flip them some times; do they not openly own their defign, and when e're they mention the Plot; How plainly do they bewray themselves? with what difficulty are they brought to acknowledge the belief of it? But no fooner was that faction of the Presbyterian Plot started, but presently they ran away with it as the greatest truth, every where arguing people into the belief of it: As if themselves had had a hand in it, or else were such well wishers to it, that they defired it might succeed: For it is not to be denyed

denyed that no people have been less active; if not altogether passive against the Popish Plot, than these Ceremony-Idolaters, and the Bishops themselves: So that with Submission Itake it to be plain that Popery is at the bottom; And whilest that prevailes, there is little hopes of uniting Protestants by our dignifyed Clergy; and therefore the Parliament

must do it, if 'ere it be done.

If Ceremonies are of that Moment that we must suppose the Church cannot subfist if they be layed aside; Therefore I will let that pass, and humbly effer one thing, that I conceive will conduce greatly to the compoling the differences that are amongst us, and I am the more confident to propose it, because altho it fail in this yet I hope that thing will appear reasonable. In short therefore it is this, that a Law he made to take away pluralities and non-residences: Not to have any retrospect, for that I would not do, but to bar them for the future; For by these it is that much of our divisions are increafed and high laid, and I'le fhew you how it comes to pass: They who are bred up to be Ministers are for the most part the Sons of fuch parents, who are not capable of doing further for them than to maintain them at the University till they are capable to be admitted into a benefice: And when they have done that, they turn them off to provide for themselves, who possibly have not five pounds in all the world, or a Crois (as we fay) to bleis themselves with;

So

### 462 Reasons for an Union between

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464 Reasons for au Union between

So that being put to faift for themselves, they find it difficult to get into a living, for when any Vacancy is, it is oftener supplyed by a Man that is beneficed already than by him that has none. Therefore what must he do, he has nothing to sublist on, he can get no preferment, he must not starve; Work he cannot, to beg he is ashamed, steal he dares not; what then is his refuge? There is no way left, but to infinuate himfelf into the opinion of them that separate from the Church, and to gain approbation, he must preach up a new fangled doctrine, and so gain to himself a people; And these he must be sure to keep from the Church by speaking against it and telling terrible stories of it, to fill them with fear and apprehensions that they may not come at it; fothat he is sure that if he can give them a diflike of the Church, their benevolences will be the more liberal and certain: Whereas if room were made in Eccletiastical preferments, by preventing pluralities and non-residencies, young Clergy men would not be so apt to turn aside, because they need not dispair of preferment; I acknowledge this would not wholly cure our diftemper, but I dare appeale to any reasonable man, whether it would not go a great way in the work.

But to let this pass, I will proceed and mention a few things, and then let any man, if he can, Justify pluralists, and nonresidents; first, where do we find in Scripture

that

#### the Church and the Dissenters. 465

that any one man had feveral flocks committed to his care? Nay that of a Bishop (which if allowable in any, ought to have the over-fight of many congregations) yet they are confined to one Church, by the primitive institution of them; when the Clergy made the work of the Ministry their bufiness: Therefore I would fain be satisfied, how it comes to pass that the work of the Ministry is or ought to be less the care of the Clergy than heretofore : For so it is now adays, and it plainly appears by their Covering Pluralities: For how can he that has several livings preach at them all; visit and comfort the sick, and do all the duties of him whose cares it is to watch for their Souls: And how unreasonable a thing. is it for one man to have five, fix, perhaps more preferments, and five or fix men of learning and Piety perish for want of bread? It would make a man begin to think that Church preferments were ordained for these pluralists, and not design'd for every worthy labourer, who well deserves his hire; besides, not to fay any thing of the Debauchery, Pride, Coveteousness and contention of the Clergy; what a chame is it to see how these pluralists make choice of their Curates; their question is not, what is he? but how little will he take? as if piety and learning made no Matter; and were not requifite; and if a good man be preferred to be a Curate, it is by accident, and not by delign: And therefore I humbly conceive that the divisions of our Church Church are not a little occasioned by this, and contempt brought upon it: And is it not sad to think that men shall be preserted to the Church, upon the account of interest and not for Merit; This being so plain I will not multiply words upon it, but conclude with this, that every mans religion is to do Justly, love Mercy and to Walk bumbly with God, to believe in our Lord Jesus Christ, and not to put our brethren out of the Church, for which God Almighty will not shut Heavens Gates against us.

Of

Of the Absolute Power exercised in the late Reigns, and a Defence of King Williams accession to the Thone, &c.

Gentlemen,

He preservation of the publick peace is the occasion that has called us together at this time, in which no man can be remiss or neglect, when he considers that his particular interest, as well as his duty, does indispensibly oblige him to do what in him lyes to support it; In order to this, that which is now more especially expected from us is, first, To inquire into the neglects of those in whom the Law has reposed any trust, and Second, to discover those who have broken or violated the Laws, that such criminals may be brought to condign punishment. And fince the execution of the Laws is our proper business, and that the Laws should have their course, is absolutely necessary to the

being of the Government; It may not be impertinent, as I conceive at this time, to say something of the Nature of Government, and particularly of our own constitution; or rather it seems necessary to take all occasions to explain it, considering, what variety of opinions there is amongst us of that which is or ought to be the Supreme authority or power in England.

Many wise and learned men have written of the Nature of Government, and given excellent definitions of it; but of all others Plato seems to me to have done it in the sewest and plainest words, which are these:

Government, or Law, says he, is to preserve the huge and indigested lump of a Multitude, and to bring all disorder into propor-

tion fo as to become an harmony.

And Next to him is; the learned Aquinas fays, that it is a rational ordinance for the advancing of the publick good; Several others have spoken to the same purpose, which I omit, because I will be as little tedious as I can , Two things I have observed from hence, first, That order and peace is or ought to be the end of every Government; And second, That in every Government there is some particular principle that runs through the whole Scheme of that Constitution, and that as that principle is followed or neglected, so accordingly it goes ill or well with the publick; that is, when those who are intrusted with the executive power do pursue that principle, every thing moves

moves regularly, and the Government is firm and stable : But when they steer by any other Measures, the State does unavoidably fall into diforders and Convultions; and that whoever he be that is placed at the head of the Government, if he defires to have the Hearts and Prayers of his People, whilft he lives, and that after-Ages shall bless his Memory; It is necessary first, That is general be resolve to Govern well: And Sccondly, Throughly and rightly to apprize himself of that principle that is the Soul of the Government, or at least-that he be advised by fuch as are most likely to know it, and will give him faithful Counsel: Otherwise, he will be like a Traveller, that in the Night misses his way upon some large Plain, wandering he knows not whither, and is more likely to meet with some disaster than to find his way.

Having said this, it is natural for you to expect that I should tell you what that Principle is, which is the Life and Foundation

of this Government.

If lam not much mistaken, and I am verily perswaded that I am not, I take it to be this. That every Subject of England has fo clear a property in his Life, Goods, and Estate, and every thing else which he potleffes; that they cannot be taken from him, nor ought he to be disturbed in the Injoyment of them without his voluntary Conient, or for some Offence against the law. And in the next Place, that there be no: a Failure



Failure in Justice, that is, That no man be left without remedy where his Right is concern'd, and that every Criminal be pun sht according to

the Demerits of his Offence.

I am apt to believe, that every man will think, that this is very agreeable to Namral Reason, and then I don't see how it can he inconfistent with the Prerogative of the Crown, altho' I know, that not very long fince, and I fear yet there are some, who carry the Prerogative much higher, placing it above the Law, but nothing, fave the Iniquity of the times, and the Deprayity of fach mens Manners could support or give Countenance to lo senseles a thought; For they are very ignorant of the Nature of Prerogative, if they think it is a Power to do Hurt, and not to do Good : Certainly the Kings Prerogative is to help and relieve the People, where the Edge of the Law is roo sharp and keen, and not a Power by which he may Oppress and Destroy his Subjects: Men are to be Govern'd by a Power that is guided by Reason, unless we can suppose they have no more understanding, and are of no greater. Value than the Beaftsthat Perish.

It was said by one who was a very competent Judge in the Case, as I remember it was Sir John Fortescue, That it is a greater Power in a Prince to be restrained by Law, from oppressing, than to have an

absolute Regal l'ower.

And fays another great Author, The way

of Governing must be both right and clear, as well as is the End: And how this can be expeded when a King is guided by no other Rule than that of his Will and Pleasure, I don't see, no more than that a man can depend upon the Weather.

Does not all the Examples of it, that ever were, prove, that absolute Power and Oppression, are inseparable, and the one as naturally proceeds from the other, as the Effect does from the Caufe.

It's a Riddle to me, how that Prince can. be called Gods Ordinance, who affumes a Power above what the Law has invested him with to the grieving and oppressing of his Subjects. May not the Plague, Famine or Sword as well be called Gods Ordinance, fince one no less than the other is lent by him, for the Punishment of that

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We may reasonably suppose, that Ore der and Peace is much rather the End of Government, than Oppression and Violence, because God is a God of Order; and when he fent the greatest Bleffing upon Earth, it was Peace: and tho' God was often very wrath with the Kings of Ifrael and Judah for their Idolatry, yet the Innocent Blood that they shed, and the Violence and Oppression which they committed, provoked him more highly, and with his severest Judgements has always tellityed his Displeasure against ic.

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I could run out into a large Discourse upon this Subject, but I will stop here, because I am perswaded that what I have already said is sufficient to convince any one that is unprejudiced, That an absolute Power is so far from being the Right of a King of England, that the exercise of such a

Power is unlawful in any King.

I know very well, that in the late Reigns this Doctrine would not have been indured, to have faid less than this would have lost a man his head: For whoever would not comply with Arbitrary power, was called Factious, and an opposer of the Government, But is it not Nonsence, or very near a Kin to it, to call that Seditious, that is for bringing things into Order, and fr maintaining the Laws and supporting the Govern-

ment? Arbitary Doctrine never did any King good, but has ruined many, it shook King Charles the seconds Throne, and tumbled down his next Successour; and the fuch Kings are lest without excuse when ruined, yet I may fay they only are not in fault; for their Overthrow is in a great part occasioned by those, who Preach up, and advise the King to Arbitrary Power: Did not other People cocker up and cherish Arbitrary Notions in the Peoples mind; tho' fuch conceptions might fometimes get into his head, yet they would never Fructify and come to Perfection, if they were not Cultivated by Parasites, who make their Court that way, in hopes to make themselves

great

great, tho' with the hazard of their Maflers Crown: As it befell K. James, whose
Male-Administration rendred him unmeet to
sway the Scepter; and I am very well satissiyed that his Judgment was just, for unless a People are decreed to be miserable,
which God Almighty will never do, except

will never so tye up their hands, that they shall not be allow'd to use them, when they

have no other way to help themselves.

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Several Artifices were made use of in the two late Reigns for the introducing Arbitrary Power. One of which was, to infinuate into the minds of the People, That the Succession of the Crown was the chief Pillar of the Government, and that the breaking into it upon any pretence whatsoever, was no less than a Dissolution of the whole Constitution, and nothing but Disorder and Consusion would ensue.

This Doctrine prevailed with many, and obtained no less than, if the Crown had been settled in that Family, by an Ordinance or Decree, dropt from Heaven, and that every one of that Line or Race had been distinguisht from the rest of mankind by more than ordinary Virtues, and Indowments of Mind and Body: But we know not of any such Divine Revelation; and happy had it been, if that Family had been so signal for its Justice and Piety; we might then have prayed, that there might not want one of them to sit upon the Throne to all Ages. How much

Ddd 3 this

this Nation is obliged to that Family we very well Remember, for the Wounds

they gave us are not yet healed.

Election was certainly the Original of Succession, for as the Living more fafely, and with the freer enjoyment of their Goods was the Original Caute that people Affociated themselves into a Nation or Kingdom; to for the better attaining that End, did they fet over themselves, the best and Wisest of their Brethren to be their Rulers and Governours, and this Administration was trufted in one or more hands, according to the temper and Disposition of the People, in which Authority they continued, either for their Lives, or for one Year, or some other stated Period of time: Where the Government was under a King, he usually held it for Life, and then upon his decease, the People proceeded to a new Election, till at last it fell into the hand of fome very excellent Person, who having more than Ordinarily deferved of his Country; they as well in Gratitude to him, as believing they could not expect a better Choice, than in the Branches that would grow out of so excellent a Stock, entailed that Dignity upon him and his Posterity. This seems to be the most natural and Lawful rife of Succession; I don't deny but some Successions have arisen from force, but that was never lasting, for that could not lublift or seem lawful longer than there Was a force to support it: Now those that come We

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come to the Crown by the first way of Succesfion, I mean by the confent and approbations of the People, does it not plainly imply, that they ought to use that power, for the good and advantage of their Subjects, and not to their hurt, and enjoy their Crown only upon that condition, no man would ever suffer a Monster to inherit his Estate. and Kings are no more exempted from the Accidents of Nature, than their meanest Subjects, and it is every days practice in private Families to exclude those that will waste their Estate, and ruine the Family, and if the Reason will there hold good, then it is so much stronger in the descent of the Crown, by how much the good of a whole Kingdom is to be preferred to that of one private Family.

Succession is not so very ancient in England as some People may apprehend; till the time of William Primus, commonly called the Conqueror, it was lookt upon as a very precarious Title: The next in Succession could reckon very little upon the Crown, surther than his good Inclinations and Sufficiency to Sway the Scepter, did recommend him, it being then very common, not only to break into the Succession, but even to set aside all that Family and Line, when ever it was found that the Publick might suffer by their being at the head of the Government; the Publick Good being the only Rule and Consideration that Go-

vern'd that point.

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William Primus upon his Death-bed declared that he did not possess the Crown by an Hereditary Right.

Herry Primus in his Charter acknowleged to hold his Crown by the Mercy of God, and

the Common Council.

K. Stephen, Henry 2d, Rich. Primus, and King John all came in by Election, to that till Henry 31. there is scarcely to be found any Precedent of Succession; fince his time, the Succession has been broke into several times, and the Crown shifted from one Family to another by Act of Parliament, and being to transferred by that Authority, is the greatest Proof that can be, that Succoffion is a very feeble Title without something elfe to support it, and I think I may fay Defective: For fays one of great Authority, Never did any take pains to obtain an Act of Parliament to settle bis Inheritance on his Heirs, except he were an Alien or Illegitimate; and therefore considering, That by vertue of an Intail of the Crown by Act of Parliament in Henry the Sevenths time, it is that the four last Kings have swayed this Scepter. I could never understand that Divine Right, that was by some stamps upon their Title to the Crown, or that the Succession was preferrable to the Publick Good.

I have endeavoured to explain this point, the more, by reason that some object against the sufficiency of This Kings Title to the

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the Crown, because the Succession was broke through to let him into the Throne, as if nothing could give a King a good Title to the Crown but Succession: For my part I never saw any reason to be of that Opinion, and if there be nothing but the Interruption of the Succession to object to this Kings Right; if he continue to govern according to the Principle upon which the Crown was given him, and according to the laudable Customs of the Realm, I think that every man that wishes well to the Interest of his Country, ought to bless God for

this Revolution.

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In my poor Opinion, I do not apprehend, that a King who comes to the Crown by Election, should think worse of his Title than if he had come in by Succession, nor that the People should suspect that they hold their Properties and Rights more precariously under a King that is Elected, than under one that claims the Crown by Succession, but rather the contrary. the People are under a more immediate Obligation to stand by, and support the King they have Elected, than any other that takes the Crown by Succession; and on the other hand, it more highly impowers him, as well in point of Gratitude, as policy, to preserve the good Opinion of the People, by Governing well, than if his Title were by Succession; For I am far from believing that a King who comes in by Election, may make more bold with with the Laws, than he that claims under any other Title, or that his Right to the Crown, continues longer than by his Administration it does appear that his Interest

is the same with that of the Nation.

The next Deceit by which the Nation was to be gulled into Popery and Slavery, was by fomenting Divisions among Protestants, and especially about the Terms of Communion, making them so strict and narrow as to exclude the greater part of the Frotestants in England, and four parts in ten of the rest in the World. That this was not to promote Gods Glory and Salvation of mens Souls, but to serve some wicked Design, is clear to me for these Reasons:

were stretcht and executed beyond their genuine and Natural Intent or Constitution: Where fair play is intended, such Tricks are altogether needless, but dayly experience proves, that when they are made use of, something else is deligned than what is pretended. True Religion needs no such Methods to support it, the Nature of which is Peace and Charity: And besides such forc'd Constructions, being nothing less than Summum Jus, are abhorred by our Law, and it terms it to be no less than the highest Injustice.

The Second Reason for my Opinion is, because that several Laws were put in Execution against the Diffenters, which are plainly and directly made for other purpo-

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fes, by which the Law it self suffered Violence, and so made it evident to every man that had a mind to fee, that some foul defign, and not the Church, was at the bottom of the Business.

Another Reason is this, Because more diligence and care was imployed to punish people for Nonconformity, than to reform their Lives and Manuers: For if a man was never so openly wicked and debauched, and Scarcely, if ever, faw the infide of a Church, yet if he could talk aloud, and fwagger for the Church, & storm against and pull Dissenters in pieces; he was cryed up as a good Son of the Church, an honest man, and truly affected to the Government; whilk those who could not come up to the Ceremonies injoyned by the Rubrick, the' their Lives in all other respects were upright, and their Conversation unblamable, yet were called Villains and Rogues, and Enemies to the Government, as if the outside and Ceremonious part of Religion, was more to be valued than the Substance and Effence of it, which puts me in mind of a Play, where this Nonfenfical Zeal is very well exposed, Spanish Fryer .-

I could never yet meet with any precept in all the Gospel, that does justify such Proceedings, as I have mentioned, but there are several that expresly condemn it: to me it seems altogether inconsistent with the Charity, which is expected to be found in all those that hope to enter into Heaven, and it seems to be little less than teaching for

Doctrine, the Traditions of Men, and to add to Gods word, which is prohibited, under no less a penalty than that of Damuation.

I am far from being against Order and Decency to be observed in the Church, yet under that pretence we are not to forget the Rule of Charity; and I cannot see wherefore those things should be made Terms of Communion: That are not Terms of Salvation.

I was always of that Opinion, that it would never go well with England, till every man might worship God in his own way, for nothing can be more unreafonable than to expect a man should believe otherwise than according to the Conviction that is upon him: And therefore I cannot but wonder at those who take Offence at the Act of Indulgence, which tends to much to our peace by quieting the Minds of People, as to their Religion, which has ever been the handle for our Intestine Troubles, the Incendiaries of the State having ever made use of it, as the best pretence to imbroil the Nation; and therefore I for my part do think, the Ast of Indulgence was a necessary and pious Work; and cannot imagine why any man should think thatto be a Differvice to the Church, that tends to the Peace of the Nation; they that do, I must believe they are not much concerned in the Cause of the Church and their Country,

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and care not what is uppermost, provided they can make fair Weather for themselves.

Therefore Gentlemen, if any speak to the Disadvantage of the Act of Indulgence, you ought to present them as disasteded to the Government, and Sowers of the Seed of Divi-

fions in the State.

But I desire to be rightly understood, I don't say this to diswade any man from coming to the Church, for I go constantly thither my felf; I will every Body could do it as easily as I do, and I wonder it is otherwise, for I never yet heard any good reason for practicing the contrary; yet I think unless a man be satisfyed in that way of Worship, it is better to keep away than to come, for otherwise it is to mock, and not to serve God; and on the other hand it is no less a mocking of God, when a man from an over Affurance of the gife of Prayer; shall adventure to Pray in Publick, without having before-hand well digested his Matter and Words, and thereby happen to let fall crude & naucious Expressions, such as would be ridiculous in Conversation; for I am far from believing that Nonsence can be the Effect of Fervency, but rather of Affection, or something that is very despicable.

And here it will not be improper to take Notice of those Persons who go to no Church at all, but spend the Sunday in an Ale-bouse, or otherways idle it away very



tinprofitably. Against such as these was that Law of Twelve pence per Sunday intended, and were it duly put in Execution, a great deal of that dishonour that is done to God by such Prophanation, would be prevented, and the poor would be relieved with less charge to their respective Parishes. I wonder that the petty Constables are not more careful to make a true Presentment at every petty Sessions, of those that herein offend, the Glory of God and their own Interest being so immediatly concerned; therefore Gentlemen, I doubt not but you will do your

best to reform this great Evil.

The next thing I would recommend to you, is as far as in you lyes, to suppress that horrible fin of Customary Smearing . Whereby the tremendous Name of God is every day Blasphemed. It's too true that scarcely any man when provokt, or in passion, but its too apt to take the Name of God into his mouth, and if any of us fall into that misfortune, we ought folemnly to beg Forgivenness for it; but that whereby God's Honour suffers most, is the Customary Swearing, when men don't think that they express themselves handsomely, without an horrible Oath or more in every Sentence. Thus the petty Constables ought to prevent at every Months Meeting, and if you know any have neglected to do their Duty herein, I hope you won't fail to let as know their Names, that we may punish them as they deferve.

It is a very shameful thing to see how very much the High-ways are generally out of repair; the fault or which does mostly lye at the door of the Overseers, who because they are not easily punisht are very remiss, and take no further care than to Shufflle the Matter off for their time, being not much concern'd for what comes aster, and by this means brings at last a great Burthen upon the Township, which would have been prevented by a small thing, if taken in time, and so the Township suffers for their Neglect. This, Gentlemen, is worthy your care, to present the Defaults

in High Ways.

There are very good Laws against Va-gabonds, but the Execution of them are shamefully neglected, and its strange it should be so; considering that the Law incourages the apprehending of fuch idle people: For whoever brings one of those Wanderers before a Justice of the Peace, the Township through which he last past unpunisht is to pay him two Shillings, tho' this reward carry no weight with it, yet the great Mischief that those fort of people bring upon the publick, should make every body Vigilant; It is an incredible Sum that they cost the Nation in a Year, and how many Townships and Parishes are opprest and almost ruined, by the Charge those people bring opon them : It is wonderful, that people should rather choose to forswear themselves, than do their Duty:



But so it is in this Case. If these Wanderers were duely punisht, it would reform many of them, and discourage them from following so bad an Example, whereas the great remissiness of Constables and other Officers in this point, is a great Temptation to many who otherwise would think of some more lawful Imployment; a neglect and slowness to punish, increases the number of Offenders.

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# SPEECH

Ofthe

## Earl of WARRINGTON:

Of Tyranny, Liberty, Religion, and against Vice.

Gentlemen,

T is a very common faying, That Interest will not lye, and yet if you consider it you will find, that there is scarcely any thing more difficult, than to perswade People to their Interest, a thing mightily to be wisht; because if it were universally understood and practiced, it is the thing of all others that would make this World a happy place, for then there would be no need of Laws and Magistrates to preserve Peace and good Order, by reason that every man would be restrained by that Law within himself, which is the Foundation of all other Laws, I mean that Principle of Reason and Justice with which he is Born.

But

But when man fell from his primitive Innocency, he lost that guide which should happily have conducted him through this World; and instead of following the dictates of his Reason, he suffered himself to be led away by his passions; and without any regard to Justice, made his Self-Interest the Standard of his Dealings with others; which is the direct way to ruine that which he aimed at; for if a man acts without regard of Julice to others, he has little reafon to expect that Justice should be done him; for why should he imagine that others should take care to do him right, who has no other Confideration but for himself: So that in point of Interest as well as Justice, every man ought to have a Mutual regard to the good of each other; and because it is fo intirely neglected, therefore were Laws made to withold men from committing those Acts of Injustice and Violence, which their own Consciences tells them ought not to be done.

From this depraved Inclination, do proceed all those Disturbances and Disorders, that infest any Government; and have often been fatal to the whole Constitution; There having at all times, and in all places been found those who have been disposed to Sacrifice their Liberties and Civil Rights, to serve the desires and lusts of Arbitrary.

Princes.

It is furely a great Sickness of the mind, when a man gives up his Birth-right, in

exchange for something that depends upon another mans Breath; and he must be beside his Wits, who lightly esteems his Liberty, which is the thing that chiefly distinguishes him from a Beast; for when a man is a Slave, he must submit his Will and Reason to the Humor of him who Governs him; and then what difference is there betwixt him and a Brute, only that his Condition is the worst of the two.

If no body but themselves were to feel the Effects of the Servile Compliance, the matter were not much, if they perished by their own Folly, for why should they expet to thrive better than Esau did, who fold bis Birthright to fave his Life, and therefore, instead of a Blessing, received a Curse: For can they who reject God's Mercy hope to intail aBleffing upon their Posterity; these are the Somer Grapes that fet the Childrens Teeth on Edge, for tho' the Father may be so fortunate as to go to his Grave in his Princes Favour, a happiness to which few have attained, who have purchased it by being false to their Country, yet it is a Dargerous Experiment for his Poslerity, to whom there is feldom left any thing more than to inherit the Wind.

Now, If the Mischief of this Time-serving had ended with this fort of Men and their Posterity, the Complaints against it might have been buried with them and their Families, for his Insamy ought to be

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had in Remembrance so long as the Sun and Moon indure, who is the Instrument of his Countrys ruine; for by this Treachery has whole Kingdoms been brought to desolation which before were in a flourishing Condition? Justice was duely executed, full Employment for all hands, a quick Trade, and every man sate with Security and Plea-

fure under his own Vine.

This is so deplorable a Change, as no Tongue is able to express, then let every man confider it in his own Thoughts, and he will discover how valuable a thing his Liberty is, even preferable to any thing else this World affords; For Liberty is the Foundation of Virtue and Industry; what does any thing else fignify without it? For when that is gone, as our Lives and Fortunes depend upon another mans pleasure, fo we hold our Religion as precariously; because a Prince can impose upon Slaves, what Religion he pleases. France is so pregnant an Instance of this, that it puts the thing out of Dispute; For while the Protestants kept their Liberties all was well with them; yet no fooner was that wrefled out of their hands, but it was quickly feen what became of their Religion.

I have always thought, that they began at the wrong End, who reckoned themfelves out of all other danger whilst they enjoyed the Exercise of their Religion; it will not be denyed, but that Liberty is a great

great Security to the free Exercise of Religion, but if our Civil Rights are affaulted, I don't fee by what means Religion can refcue them out of Violent hands: Besides there are many Instances, where Religion hasbeen used as a Stalking Florie to enflave 2 Nation: For did ever any Man pretend to have a greater concern for the Church than Charles the 2d. and yet no mau more deligned the Ruine or the Nation than he did; which Example may occasion the People to suspect some Design upon their Liberties, when the Prince precends the greatest Care for Religion, unless he be a man of great Morality, and Religion appear in his Life and Practice, as well as in his Words and Promites: For it is scarce passible to inflave a free People by direct Force, and therefore they must be gulled out of their Liberty, by Art, and underhand Practice, and there cannot be a beter blind ( than a pretended care for Religion ) to keep the people from observing what is designed against them.

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So that it any thing is worthy of their Care, it is their Liberty, and in doing so, you do the part of Loyal Subjects, and good Christians, whereas by the neglect of it, you expose every thing that is valuable; so you also lay a snare in the way of your Prince, thereby tempting him to think of that which otherwise might not

have come into his Thoughts.

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And this Care is never to be neglected, not even when any thing goes to their hearts Defire, lest whilit you ipeak Peace to your felves, there comes upon you sudden destruction: For a Design is more likely to take effect when people suspect no such thing, than when they stand upon their Guard.

There are many ways of Working Pcople up into a Security, of all which Promiles are the most fatal; for without Performance they become Snares, and therefore it is upon Actions and not upon words, that a Wife Man will ground his Beliefor Opinion. Consider what is done, and not what is faid; for whoever he be that is fo wicked as to have a Defign of inflaving the Nation, he will never make a difficul-

ty of promifing very largely.

If then we ought to take care of our Liberty, how ridiculous is it to talk of Serving the Crown, when by that is meant, To make the Kings Will and Pleasure the Meafure of their Obedience; it must be a mere Nonfentical Boast to talk at that rate, when they have stript themselves of the means of Serving like Rational Creatures; for when men have given up their Liberty, what does all their Service to the Crown differ from that of a Bealt. The Service that we do for our Prince, should be like that which we render unto God, not a forc't and constrained, but a free and reasonable Service.

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So that I think I may fay, That he who hopes to recommend himself to his Princes Favour, by fuch a piece of Service, must needs be a very profligate Wretch, and believe his Prince to be altogether such a one as himfelf; For such a design is alto-gether unlawful, because it is destructive to the Nature and End of Government, Contrary to the Kings Coronation Oath, inconsistent with Reason, and a Violation of that Trust and Confidence which the people repose in the King; For as I take it, The Power that is lodged in the Crown, is only a Trust, and nothing more, fer he must have that Power either, as a Trust or a Property; and if he holds it as a Property, then no Bounds or Limits can be fet to it, and he may use it as to him shall seem What will Laws then fignify? most meet; To what purpose is the Coronation Oath, and all those other Cautions that are taken to oblige the King to Govern according to the Laws and laudable Customs of the Realm, and then every Prince that has been Deposed for committing Violence and Oppression, was highly injured, for there would be no other Standard of Right and Wrong, but that of his Will and Pleafure: But it is a common Practice, to depose Kings when they become a Burthen to the People, that being the proper and only remedy in fuch Cates. For let any man tell me, if he can, whether the Liberry Ecc 4

berty that remains in the World, has been or can be preserved by any other Means, than by that Power that is used in the people, of laying aside such Kings whose Administrations become exorbitant. For the Number of ill Kings exceeds so much that of the good ones, that Liberty had been before this day swallowed by Prerogative, without some such check; and because so very much good or hurt is in the power of the Prince, the value of a good King is inestimable.

To be delivered out of the Hands of an Oppressing King, is a great Mercy, yet such a price when put into the Hands of any People is seldom improved as it ought to be. For Tacitus makes this Observation upon the Fall of Nero, That the first day after the Reign of a Tyrant is always the best. This is a great Truth, and a Rule that has no

exception.

For this feveral Reasons may be given, For generally the people are so transported upon being eased of their Burthen, that they neglect to make such provisions as are necessary to prevent the like Irregularities for the Future; either from belief, that no other man will be Wi ked to the like degree, or else from the sond Opinion that they conceive of him, who was the chief Instrument of their Deliverance, trusting that the same Principle of Honour and Justice that incited him to stand up in their Desence, will prompt him to do all those things

ment upon a lasting Foundation: Which was something our Case upon the Restoration of King Charles 2d. only with this Difference, that instead of Repairing the Breaches which his Father had made, the mistaken Loyalty of the Age, helpt to make

them wider.

Another Reason for Tacitus his Observation may be this; Because the chief Instrument of their Deliverance, altho' he appeared very zealous on their behalf, yet he aimed at nothing but getting the Crown; as it was when the Dauphine of France came over to affift the Barons against King John, his Declaration was full of nothing else but the English Liberties, yet it afterwards appeared that his Defign in affilting them, was only to get into the Throne, and not to ease the Nations Oppressions to that in such Cases a Revolution does the People no good, for he that has got the Crown, thinks that whatever is done for the Good and Security of the People, is so much lost to him, of what he hoped to get by coming over.

A third Reason may be this; Because he may presume upon the good Opinion the People have of him; supposing that they will put the best Construction upon all he does, and look upon those things to be but Mistakes, and consequence of want of Information, which are the result of a for-

mid Design.

Or else, because he may Imagine, that

altho' he does to a great degree act over the Part of him, who was thrust out of the Throne, yet that the People will not feel the lash so sencibly, because it comes from his hand. This, when ever it happens, is a thing of so soul a Complexion, that it deserves as ill a name as can be given it, and yet I fear there does not want Exam-

ples of it.

It is a Mistake, and a dangerous one, to consider the Person more than the thing that is done; as if the person made the thing better or worse than it otherwise would be: Men indeed differ from one another, and do the same thing in different ways and manners, but yet every thing is still the fame, whoever he be that does it; if there be any difference it lyes in this, that the better Reputation he has, who does an ill thing, so much the greater is his Reproach, especially if it be a thing that he has reproved and punisht in another. This Judging the thing by the Person, is that by which commonly men deceive themselves so very much; or else they would make a righter Judgment than for the most part they do.

How happy is that Prince then, whilst he is on this side the Grave, and how glorious will be his Memory, who is not asraid or shy to have his Actions examined; that mankind, as well as his own Conscience, may bear him Testimony, that he Governs ac-

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pording to Law, and makes the good of his People the End of his Government?

Before I proceed any further, I would be rightly understood in what I have already said; because, possibly either through Mistake or Malice, some may infer that I would perswade you to take more care of your Liberty than of Religion, by reason that I have faid to much of the former. But far be so Atheistical a thought from me; I bless God, it never yet entred into my heart, altho' I am not fo Religious as I ought to be, yet I think our Religion to be more valuable than any other thing whatever, for if God should take away the Light of his Gospel from us, it would be the severest Judgment that he could visit us with, and have therefore preffed you to take care of your Liberty, as the furest means by which you can preserve your Religion, and in so doing I conceive I have shown a Zeal rather than a neglect of it.

It is to be wisht by all those who desire the Peace of their Country, that Religion were more in sashion than it is: For no Nation everdid thrive where it was neglected, and it is to be seared, that God will have a controversie with this Land, if Swearing and Drinking, which are now become so common, be not speedily suppressed, and the Corrupt Manners of the Nation resorm-

ed.

But before I speak more particularly upon them, give me leave to observe something

thing to you, upon two things which are very injurious to Religion, and yet are done out of a pretended care and tenderness for

it.

The First is, When Protestants break into feveral Sects, and distinct Congregations; and not being content with Worshiping God in their own way, are uneasy at all others who follow not with them. Every one being assured that they are not mistaken, that they will not allow any but themselves, to be in the right; and thereby leave the excellent Rule of Charity; to iol-

low a blind Infallibility.

Tis true indeed, whilest we are upon Earth, we shall have different Sentiments and Opinions, and it is not possible for me to help it, because our Reason is so short fighted and Pur-blind: But yet we may all agree to have a mutual Charity for one another; and then every man will be the better for his Religion, and no body will be the worse for it; For otherwise instead of promoting Religion, we eat out the Bowels of it, that is, we destroy that Charity, without which we cannot enter into the Kingdom of Heaven. But alas! it is come to this, That one is for Paul, another for Apollo, and a third for Caphas. One asks of fuch a one, Is he a Son of the Church? a second inquires, Whether he is of such a Congregation? A third demands, to know if be follows such a man, if fo all is well, and with them he must pass for a good man,

without examining into his Life and Mo-

rals.

But what does all this amount to? am I the better for being of such a man's Opininion, or of such a Communion, unless I am a Doer, as well as a Hearer of the Word? Or what is another man the worse, because I am not of his own Opinion, if he live a better life than I do?

This Zeal for a Party, is a Zeal rather to be reproved than to invite others to the practice of it; for it is not an Argument of Religion, but a sign of Pharifaical pride, when a man is uneasy with another, because he worships God in a way different from him. For if any man desire to live becoming the Gospel of Jesus Christ, and to that End does daily try and examine himself, he will find more to be amiss there than he can discover in others; and therefore to lead a good Life is the best Argument that any man can use to perswade another to be of his Opinion.

The next thing which is Injurious to Religion, is when the Discipline and Government of the Church interferes with the State, breaking into the Methods and Foundation of it, and to advance the Power and

greatness of the Clergy.

This soon becomes Mischievous to Religion; For as it does in no sort prompt God's Glory, or tend to the reforming of Mens manners, &c. When the People find their Liberties Crouded, to make Elbow

bow Room for the Glergy, and that the Government of the Church will help to make them Slaves, they will be very apt so

abhor the Offerings of the Lord.

And therefore, in all well regulated Constitutions, the Government of the Church is moulded according to the Principle upon which the Civil Government stands, for if the Church were to Model the State, Christ's Kingdom would be of this World, which

he has expresly told us is not.

Is not that People then in a sad condition, when, that what is amis in the State must not be Reformed, for sear of hurting the Church, as some do vainly pretend. This I say, because I am assaid it is something our Case at this time, and so the Nation must languish, to satisfy the Imaginations of some People who are assaid of their Shadows.

How the Church can be hurt by any Laws that concern the State, is not easily to be comprehended, if those Laws Establish no other Gospel than that which was

delivered by our Saviour.

Nothing can hurt the Church but it self, and it is never in more danger than when it is in its greatest Pomp and Grandure.

The deceit of this is very plain, because they that bawl most of the Danger the Church is in, have the least of Religion in their Lives, for those who live and understand better, see the folly of it, as also

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that Doctrine of Passive Obedience, and Nonresistance, which many cry'd up as the Corner Stone of the Church. A Burden which they were forward to lay upon other peoples Shoulders, yet when it came to their own turn, none was fo uneasy under it as they; for when their Rights came to be toucht; No mens Mouths was fo full of Liberty and Property as theirs: But now that the Storm is blown over, they are angry that that Liberty is granted to others. which they promifed to confent to, and are returned to where they were, in supporting that Arbitary Doctrine, and tothat end they are inventing new Titles to the Crown for this King and Queen, which demonfirates what Steddy men these are, since in the late times they would not allow any Title to be good but Succession; yet now they can submit to any other, how contrary foever to Succession, provided they can thereby keep up this Arbitrary Doctrine and get their turns served; and first they find out for this King and Queen, a Title by Conquest.

I hope they are mistaken; for if the case be so, we are all Slaves, and instead of being rid of Arbitrary Power by this Revolution, we have helpt to Saddle and Bridle our selves. For the people that are conquered, hold all they have at the will and pleasure of him who did subdue them.

But how were we conquer'd? did the Nation conquer it sels? if it did, it was an odd thing



thing and altogether new. Or who was conquer'd? not they who actually appear'd in Arms against King James, nor those who wishe him somewhere else, and that was by

much the greatest part of the Nation.

It is so senceless a Notion that it only serves to discover the ignorance or knavery of those who go about to maintain it, and I suppose we shall hear no more of it, because the Lords and Commons in Parliament by an unanimous Vote have condemn'd it.

The Next thing talkt of is Gods ways of disposing of Kingdoms, whence they would pretend that the King and Queen received the Crown from God Almightys imme-

diate donation.

It is Blasphemy to exclude the power of God in any Case; and to exclude the people from having had an immediate hand in bestowing the Crown, is a new intelligible fort of Politick, for the drift of this Notion is to make us Slaves; by reason, That whatever is the immediate Act of God, and a declaration of his pleasure; Man has nothing more to do, but to yield an intire obedience and submission to it. So that when a King receives his Crown immediately from God, any Provisions or Limitations that can be made by Men comes too late to circumscribe his Power.

But is this our Case; which wav did God declare that this Man should Reign over us? Or who foresaw upon what Head

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the Crown would be placed, till the Lords and Commons came to a Retolution in it : and therefore it will follow, That the King and Queen received their Crown from the Hands of the People upon fuch Terms as they gave it, and God has not done any thing to exempt them from the Performance of those Conditions: However there are those who hoped to make their Court to their present Majesties, by starting and maintaining those two Notions, Viz. of Conquest and God's ways of disposing of Kingdoms, with what fuccess, I leave to every mans obfervation, and only fay this; That is will be an bappy Age, when Kings are so much disposed to the good of their People, that such Flatterers will meet with no Incouregement from them.

I come now to speak of Swearing and Drinking, and I do believe that the horrible Prophanation of God's Name, was never so common as in this Age. That great and dreadful Name, before which we ought to Fear and Tremble, is used with more familiarity than the meanest thing you can think on. It is a very unfortunate thing, whenever we take the Name of God irreverently into our Mouths, altho' it happen when we are under some Provocation, yet it Administers cause for Humiliation, and a more F f

narrow Observation of our selves for the source; but is in no fort a Justification of us. Therefore, to fill their mouths with horrible Oaths when they are cool and in temper, and to swear in common Discourse is a dreadful hearing: And really it is come to that pass, that men don't think they express themselves well and modifily, unless they interlard every Sentence with an Oath or two, and that which is strangely ridiculous is, that some cannot ask another man how he does, without wishing his own Damnation.

How this is to be remedied is the Question; for since it could not be prevented from growing to the height to which it is gotten, it will be so much the more difficult to suppress it; for is in any case it can be said, That the number of Offenders is too big for the Law, it must be allowed to be so in this.

That Law has provided very wellfor the Punishment of such as oftend herein, per Statute 21st. Jacob. C. 20. They forfat twelve Pence per Oath. If this were duly put in Execution, I am perswaded it would work a great Cure: These Customary Swearers would with more wariness open their Lips, when they found that their Oaths cost them so dear; and I am the rather of this opinion, because

common Swearer is in the presence of any person, whose Authority or Quality has an awe over him, scarcely an Oath slips from him, tho' he speaks never so much.

And therefore it is very much to be wish that Magistrates would more strictly inform themseves of such as offend herein, and give them the punishment

which their Offence deserves.

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The next thing is the Sin of Drunkenness, which calls aloud for redress, it being now so common and universal, that People of all Ages, Sex, and conditions are infected with it, to that degree that it is become the Reproach of the Nation, which is now as remarkable for this Sin, as it was for the Excellency of our Government during the Reign of Queen Elizabeth; And it may be Observed, That from the time that this Government began to decay, that this beaftly Custom took its Rife, I mean when Queen Elizabeth's Eyes were closed, for from that time has this Government declined, as if the had been the Life of it, and that when the dyed, it expired with her. For the first Statutes now in force for the punishing of Drunkenness, were made in the reign of King James the first, and therefore it's more than probable Fff2 thas

that till then this Vice was not grown up to a considerable Size.

It is strange that men can't enjoy one another without making their Conversation to become a Sin, and that when People meet to be Merry, they think they have lest their Work unfinisht, unless they transform themselves into Beasts, and so great a force has it with many, and so great a force has it with many, That they choose rather to be clothed with Raggs, than to keep from the Spiggoti It has brought many a man to a Moriel of Bread, who was well to live before he fell into that Sottish course.

It is not for want of a sufficient punishment, that it is grown to so great a height; for per 4 Jacob. C. 5. He that is Drunk sorfeits sive Shillings, or for refusal, or mant of Ability to pay it, to be set in the Stocks Six Hours: And for preventing of such Intemperateness, per same Statute it is provided, That be who remains Tipling and Drinking in any Inn, Victualling-House, or Ale-house, shall sorfeit three Shillings and Four Pence, or be put in the Stocks for sour Hours.

And by the same Statute it is provided, That he who having been Convict of Drunkenness, shall be again Convict of the like Offence, He shall be bound to his good behaviour.

How this Law comes to lye afleep, I know

know not, for a Law without Execution is but so much link and Parchment; and I cannot Imagine wherefore no more are punished than there is, considering how vast a Multitude they are that offend herein, unless it be, because the thing is become so common, that people don't look upon it as an offence, or else because the infection is so general, that men think it unreasonable to have another punished for that of which he is guilty himself.

But I am sure there ought to be a Reformation, because the Honour of God
suffers so extreamly by it, and upon a
Political account, it ought to be suppressed: Because, as whole Families are
impoverished and ruined by it, so Mens
Bodies are infeebled by it, and rendered
unsit for Labour, and the Service of

the Publick.

Inns, Ale-houses and Victualling-houses, are for relief of Way-fairing men, Travellers, and such others as cannot otherwise supply themselves with Meat and Drink, and not for harbouring of lewd and idle people to consume their time and Mony in Debauchery as is declared per Stat. 1. Jac. C. 9.

The Gains which are earned by relieving such Persons as the Law allows, are honest and justifiable, but a Curse must follow what is now usually got by

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Inns and Ale-bouses, who can suffer People to be Drinking in their Houses till unreasonable hours in the Night, nay even on Sundays, and that too during the time of Divine Service and Sermon, and there to be spending their Mony when at the same time they know that their Families at home are starving for want of it.

Did Tipling-houses consider what a Risque they run, surely they would take more Care. For when they receive their Licenses to sell ale, they enter into a Recognizance with Sureties To keep good Order in their Houses,, per Statute I. Fac. 9. Every Innkeeper, Victualler, or Ale-house keeper, forseits ten Shillings, that suffers any to sur Tippling in their Houses, except Travellers, or such as have not the Convenience of Eating and Drinking elsewhere.

Per Statutes 7. Jac. 10. and 21. Jac. 7. It is provided, That any who shall offend against the Statutes made against Tipling and Drinking, shall be disabled for three Years from Selling of Ale, and besides a Conviction in any of these Cases, is a Forseiture of the Recognizance which they enter into when they are Licensed to sell Ale. Such care has the Law taken, but things are at that pass as if Drunkenness were no Offence, or that there is no Law to punish it.

Icannot but observe to you, how Providence has order'd things for the punishment of Ale-sellers, almost in their own way; For the Quartering of Soldiers without Satisfaction to the Houses, is a very Illegal and Arbitrary Practice, yet it may in some sort be just as to them, they received thereby that Measure which they have Meeted to others.

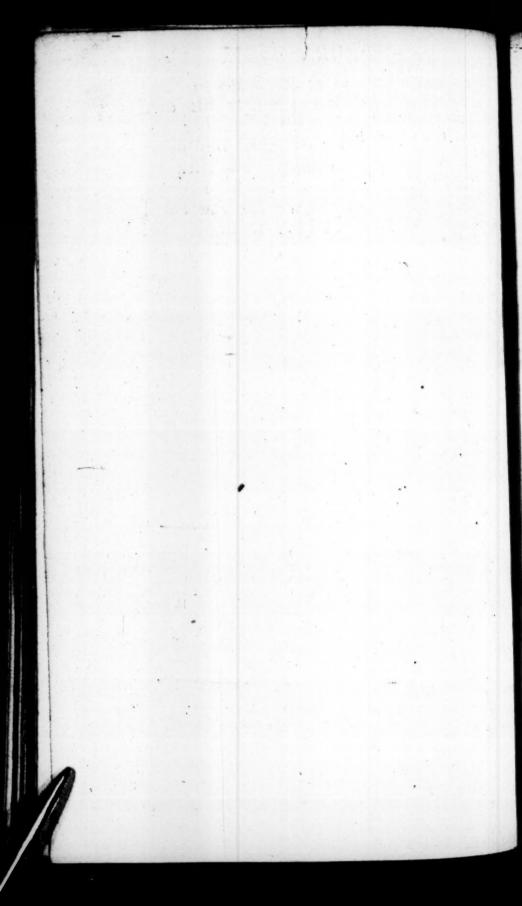
These two things, Gentlemen, I do more especially recommend to your Inquiry, because they do so immediately concern the Honour of God, and Peace and Happiness of the Publick; Besides them whatever is an Offence against the Publick Peace, falls within your Inquiry, and I believe you so well know them already, that I will not loose your time in repeating of them: Nor will all that you or any of us can do, fignify much, till Debauchery is supprest, and the Manners of the Nation are reformed; whilst we bid God Defiance with our Lives and Conversation, we cannot hope for success either in our Fleet or Army, let our Courage and Conduct be never so great; and tho' the supplys we gave to carry on the War, were much greater than they are; if we will not take Warning in time, but go on from Sin to Sin, this War by which we hope to secure Peace to our selves and Posterity, may prove our ruine, by Spinning Fff 4

ning it out so long till the Purses of the People are so Drain'd, and the Nation fo impoverished, that it will be an equal Choice, whether we have Peace or War, being either Way exposed to the like lnconvenience. There is some great let or hindrance lyes in the way of our Happiness, or else why do we at this day stand looking upon one another, like the Sons of Jacob, as if we were at our Wits end. not knowing what to think or expect, notwithstanding the great Deliverances that God has wrought for us; for we have been wonderfully preserved, but not by our own Wisdom or Conduct, for we have made no other use of those several Advantages which God has put into our hands, but as if we expected that he would repeat his Miracles to preserve us: Wherefore he has fo fignally appeared on our behalf, no man can determine, yet a Guess may be made; for if his Mercies have their proper Effect upon us, by turning us from the Evil of our Ways; he will do more and greater things for us : But if we make him no other return for all his Benefits, than that of an unthankful and hardened heart; Then has he shewed these great Signs amongst us, that he may be Justified when he Judges, and we be condemned out of our own Mouths; which God of his Mercy prevent, and to that end let every Man do his Duty at all times, and at all Seasons; and mind the Publick more than his own particular Advantage. Let neither the Frowns nor Favour of Men, tho' never so great, draw him aside, and then we shall see Peace in our Israel. I doubt not Gentlemen but you will do your Parts, and this is all that I have to trouble you with at this time.

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### THE

# LEGALITY

Of the

Convention-Parliament,

Though not called by Writ.

T's a new fort of Doctrine; That where there is a Power to do a greater thing, there cannot also be to do a less. The Lords who are born Counsellors to the King and Kingdom, the Members of the House of Commons were all duely chose by such as had Right to Elect Members for Parliament: The two Houses meet at the same day, and first declare the Throne vacant,

and then fill it with this King and Queen, and they thus Elected, these Lords acknowledge to be our Rightful and Lawful Soveraign Lord and Lady; which is the greatest thing that the two Houses are capable of doing, and have thereby, according to the Maxims of those very Lords, altered the Government in a most Effential point of it; and yet, fay they, All Subsequents, tho' with the Concurrence and Confent of this lawful King and Queen, are invalled, unless supported by the Authority of this or some other Parliament, because the last was not called by Writ in due form of Lam: So that the Representatives of the Nation, Affembled without a Writ, can only do one thing, and that the highest, to make a King: And by like Reason, If when Affembled by Writ, can do every thing but the greatest: But it is against all manner of Reason and Policy, to suppose that the Power that can make a King, cannot do every thing else that is necessary to settle the Government. If those Gentlemen had understood the true meaning of Writs, and been so ingenious as to confess it, they would not have made that an Objection against the Validity of the last Parliament.

Writs are necessary in their proper time, but not so necessary as to give the

Effence to a Parliament; for if there be any weight in this Reason, a Writ is as necessary as the Consent of the Nation, by their Legal Representatives to Establish any thing into a Law. Writs can amount to no more than the Means by which the Parliament is concerned.

It will be granted that the present Writ of Summons was Established by the Government, and not by the King, and it cannot be deny'd, that wherever the power of the Government rests, it may, if it see Cause, direct that Parliaments shall be convened in any other manner, or by any other means than by Writ,

For it is not the Writ that makes a man a true Representative, but the Election of those who have right to choose for that place; For otherwise the Sheriff, or other Officer, might have return'd whom he saw good, and Elections would be needless. But the Law has more expresly shewed, that it is the Election that makes the Person a Right Member, and so consequently, the Election of the People, is that which gives the Essence to a Parliament, because the Law has under greivious pains commanded, That Election shall be free. And since the

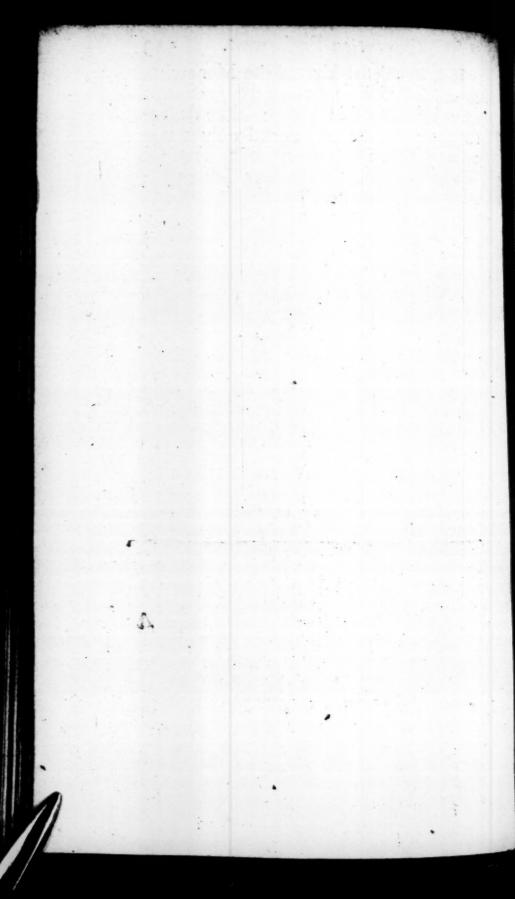
Constitution of the Government makes choice of Writs, for the Convening of the Representative Body of the Nation, why was not the Parliament as duely concerned, and the Acts they passed as good, since it was impossible to be Summoned in due form; and these Gentlemen might as well have insisted, That a Nation may want a Power to help it self, as to object against the Validity of the last Parliament, because called without Writ.

By the Weight that they lay upon a Writ, they do feem to make a Writ more necessary to a Parliament than our Allegiance is to the Government, and if that be so, that which is only a Circumstance in the Government, is more to be regarded than what is necessary to the Peace of it; But to grant that Absurdity. What is it that has given the Sanction to these new Oaths, that our fitting and Voting in Parliament has not put us under all the Difabilities of 30 Caroli, for we are certainly within that Statute, if the last Parliament had not power to alter those Oaths; and if it had, what else they did is as valid; for all, or none of those Acts are good.

Convention-Parliament.

513

If it be destructive of the Monarchy, to declare those Laws to be good, it may be also said to be alike destructive, when the proper and only means to support it is made use of: For the Nation had no other way lest of coming to a Settlement.



#### A

## RESOLUTION

OF

### Two Important Questions:

I. Whether the Crown of England be Hereditary.

II. Whether the Duke of York ought to be excluded.

SIR,

HE Questions that you have proposed to me are of such a nature, that they require a very strict consideration, because they are of the greatest moment in our present condition; and there-

fore you have done me a great honour, to command my Thoughts upon them, in regard you might have had your Queries resolved by persons much more able than I am: but since you defire my Opinion, I will give it you very faithfully.

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As I remember, the first thing that you was in doubt of, was, Whether the Crown of England he Hereditary, or no; and to that I answer negatively, That it is not Hereditary. And in order to the clearing of this, I will, in the first place, give you a short historical account of Matter of Fact sill

K. Fames.

I think it will not be denied, that from the first known Times in this Island (after that they had Kings) till the Conquest, but that the People Elected him for their King whom they best liked, without regard had to the Issue of the deceased King: and also, that they deposed them very frequently, and set up others in their stead, when upon tryal they were found unsit for the purpose. He that says otherwise, confesses himself, either not to have read our English Story, or that he understood not what he read: and if your self doubts the truth of what I affirm, I will at any time give you a particular account of it, till the entrance of the Normans.

William the First, commonly called the Conqueror, we must begin with him, who, it's most certain, had no Right or Title to the Crown, by Inheritance or Defcent; and it is as true that he did not gain it by Conquest: for Edgar Etbeling, who was alive and in England when William came in, had an unqueftionable right by Descent, and therefore whilft he was alive William could not pretend any Title by Inheritance, but must find out some other way to come to the Crown; and therefore he pretended one while a Compatt between him and Harold; and again, That it was left to him by Edward the Confessor, by his Will; yet he found that all thefe were but empty founds: for although he had a potent Army, by which he might

sight have done great things, yet that Army onbrought him into England, but it was the Eledies of the People that gave him the Crown, and he foon perceived, that there was no Reft for the Sole of his Foor, till he had taken the Coronation Oab, and had tworn to maintain their Laws and Properties. Some little Irregularities must be admitted in a time when things are unfettled, but It will scarcely be found, that any man was disceafed of his Freebold, but only such whose Demerits tender'd them unworthy of them: and from his time the Norman Government proceeded upon the Saxon Principles; for King William, by the Advice of his Nobles, caused a select number of Men out of every County to be summoned, who were to fet down their Laws, what they were in Edward the Confessor's time; for it was he who had collected the Laws, which at this day is called the Common Law.

Then, after him, William II. and Hen. I. succeeded each other, and their Title was by Election of the People; for Robert their elder Brother was alive, and saw them both preferred to the Crown, and he never enjoy'd it, for he died a Prisoner at Car-

diff Caftle, in the time of Hen. I.

The next was K. Stepben, who was second Son to Adela Daughter to William the Conqueror; he was chosen by the People, for he had an elder Brother whose Name was I beobald, and there was Maud the Empress, Daughter to Henry I. and both these were nearer by descent than he.

After him came Hen. II. he came in by Compail between K. Stephen himself, and the Nobles, and the good liking of the People; for Maudhis Mother was alive, and by descent it belonged to her.

A a a a 2 Then Then Richard I. was elected in his Father's Life-time, and received Homage from the Peers,

King John was chosen by the People, or else Arthur his elder Brother's Son, who was then li-

ving, would have fucceeded Richard I.

Henry III. came in by Election, for Lewis the French Prince pretended to the Crown, several of the Nobility having called him into their ald against King John, and had sworn to him: but the Earl of Pembrook, who had married Henry's Aunt, stuck to him, and got him crowned by the consent of the Nobles and People, after that he had taken the Coronation Oath, and made other promises to the People.

ther died, was chosen by the confent of the Lords and Commons; and I find that the Nation was sworn to the Succession of Edward I. before he

Went to the Holy Land.

Edward II. being mif-led by his Favourites, was depoted, and his Son

Edward III. was declared King in his Life-

time.

Richard II. Son to Edward the Black Prince,

was depoted for his Evil Government.

Henry IV. came in by Election of the People, and though upon occasion sometimes he might pretend to several other Titles, yet he found them unstable; and to make sure, he got the Grown entailed by Att of Parliament; and so came in

Henry V. and then his Son

Henry VI. but he being found unmeet for Government, enclining too much to the Counfels of his Wife, (who was a Foreigner) and neglecting the Advices of his Parliament, he was depoled, and

ther the D. of York, by Act of Parliament, was declared Heir apparent to the Crown, and afterwards fain in the Battel at Wakefield. He, I say, was Eletted, and afterwards Henry was restored, and Edward set aside ; but at last Edward was settled, and dies, and the Crown came to his Son.

into the Catalogue of our English Kings, and then

Richard III. was confirmed King by Act of Parliament: for Elizabeth Daughter to Edw. IV. was living, who afterwards was married to Henry VII. and by right of descent the Crown belonged to her, and he had no Title but what the

People gave him.

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Henry VII. came in by Election; for his Wives Title preceded his: and there was also Edward Planagines, Son to George D. of Clarence, had an unquestionable Right before him, if Descent might take place; but to clear all doubts, he got the Crown settled by Act of Parliament upon him and the Heirs of his Body successively for ever; and upon that came in

Henry VIII. and in his time the Crown was 1-mited three several times by Act of Parliament, and there succeeded upon those limitations, first,

Edward VI. then his Sifter

Queen Mary, by Katherine Widow to Prince

Arthur, and then

Q. Elizabeth, by Ann Daughter to Sir Thomas Bullen; and in the thirteenth year of her Reign a Law was made, whereby it is made penal, if any lay that the Parliament cannot limit the Succession.

And

And now, Sir, I have given you a just account how the Grown has been disposed; and if I should say no more, I think that this of it self might convince any impartial man, that the Grown, till King James, was in the Peoples

dispose.

But that I may leave no place for doubt, I will fay something to those things which are so frequently objected, and I will begin with that which says, as follows; Although there be many Instances where the Crown has leaped over the right Heir by descent, and has lit upon the Head of another, yet, say they, there are several Instances, both before the Conquest and since, where the Son has succeeded to the Father, and that these are chiefly to be regarded, because most agreeable to the Word of God, which tells us, That by me Kings reign, &c. and that the presidents that are otherwise, are no better than Usurpation, and not to be esteemed as legal, but to be forgotten as Errors in the Government.

I acknowledge, there is fuch a Text of Scripture, but I must deny, that it is to be taken in the literal fence, for otherwise the King must be look'd upon to receive his Soveraign Power immediately from God, without any regard had to our Laws and Constitutions, and then he is King Jure divino, and no Bounds or Limits of Humane Contrivance can be fet to his Will, but we are wholly at his Mercy and Pleasure, and Magna Charta and the Petition of Right are waste Paper: nay, it not only destroys our Government, but it puts an end to all other Constitutions in the World: But the true meaning of the Words are, That Kings are to be obeyed, and that they are to gopern under God, according to the Laws of that Go: vernment,

interest, and that they are to administer the Laws and Justice according to the Rules and Directions of that Constitution, and not that Kings hereby shall have a Warrant to be unjust, or govern arbitrarily.

But because there are some Instances where the Son has succeeded to the Father, that therefore the Crown comes by descent, I cannot grant; for this Island has seldom been free from War, and then the People are not at leifure to regard every Particular of their Right, but are willing to have it at an end upon any terms, and are not then foregardful under whom they enjoy their Liberties and Properties, as that they may have them : And hence it might come to pass, that the Son succeeded the Father, as it befel in the case of Henry III. his Father K. John had been quarreling with his Barons, and they called in Lewis the F. Prince to their aid, and several swore to him; but K. John dying, and the Nation being willing to be at rest, they chose rather to have Henry III. being a Child, whom they had hopes to train up in the Principles of an English King, than to admit Lewis, who was a Foreigner. Or elfe, that out of Gratitude to the memory of their deceased King, who had done good things for the Nation, they chose his Son, believing him to inherit his Father's Vertues, and therefore deserved the Crown better than any other person: as it befel in the case of Edw. II. and Rich. If. and Hen. VI. who all deceiv'd them, and therefore were deposed. I think the rest of the Instances where the Son has followed his Father into the Throne, are, where the Succession was continued to them by Act of Parliament, or by Election, in the life-time of the Father; as it happen'd in the case of Rich. I. and Edw. I.

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548

But I think it is without all dispute a known Custom in England, that where a man has any Estate either real or personal, if it came to bim by Descent. although he bas no further power of it, yet during bis Life be may dispose of it as to him shall seem meet. and divest himself of it to all intents and purposes: And therefore if the Crown of England comes by descent, what hinders that he who enjoys it cannot alien or dispose of it during his own life? for whenever it has been attempted, the People has still opposed it: as in the case of K. John, when he laid down the Crown at the Feet of Pandulphus the Pope's Legate, and he kept it three days for the Pope's use; this being done without the Confent of the Nation, the King was told, He could not make any conveyance of it without the leave of the People: and although he had the Pope for his Second, who was obliged to stand by him in maintaining what he had done, not only out of the advantage he would gain hereby against King John and his Successors, but also to encourage his other Sons to the like Dutifulness and Obedience; yet the People were Victors, and the King fairly gave up the Cudgels: Which methinks clears the Point very well, for our Lawyers tell us, That a President where the thing his been diffuted, is worth a thousand where there was no Contest. I will give you another Inflance, though not the very same, yet I think not impertinent to be mentioned. Q. Mary, upon her fi st enjoyment of her Husband Philip, was very fond of him, and thinking nothing to be too good for him, the had a great defire to have him crowned, but notwithstanding her Importunities, the Parliament would not confent, and the never had her Delire: Whereas if the Crown Crown had come to her by descent, she need not have asked the Parliament leave, nor had K. John been to blame, to give away that which was ab-

folutely his own.

It is true, that in the life-time of H. II. his eldest Son was crowned, but he first acquainted his
Lords with his purpose, which implies, that he
asked their consent, which is verysprobable, because they swore Allegiance to him; which they
would never have done, had it not been with their
good liking, for the Lords were more sturdy in
those days than they are in ours, for they would
yield no further than they saw there was Law and

Reason for it.

I have heard it objected, That the three Children of Hen. VIII. Succeeded to the Crown by his Will; it may be so, and yet not clear the point, That the Crown comes by Inberitance; for Hen. VIII. had shaken off the Pope's Authority, and the People might be very willing to accept his Son Edward for their King; and it had been a wonder if they had refused him, seeing he was a Protestant, and one like to perfect the Reformation: But in his Successor Q. Mary we find the President of bequeathing the Crown by Will overthrown; for Edw. VI. by his last Will had given the Crown to Jane Seymour, and to make the thing more valid, he caused the Nobility, Bishops, and Judges to set their Hands to it, and yet Q. Mary prevailed against this Will: but Arthur Son to Feoffery, who was Brother to Rich. I. and K. John, was not only Son to the elder Brother, but was defigned by Rich. I. to be his Succeffor to the Crown: So that If any thing would have prevailed against the Eledion of the People, without doubt Arthur would

have had the Crown, and John must have waited

longer.

But if the Crown of England comes by Descent or Inberitance, I defire to ask by what Title all the Kings and Queens fince the Conquest have possesfed the Throne; for no man can have the face to fay, that the first William came in by Descent, but that his Title was either by Election, Conquest, or Usurpation, and all that have succeeded him out of his Loins are upon the same bottom with him; and if his Title was not by Election, then he and all his Successors can be termed nothing but Usurpers, who came in by force, and have maintained It by might against Law: for it is very well known, that a Poffession which is illegal at first can-- not be better by continuing it; nor does it mend the matter, if they hold it never so long, the Right remains the fame. And therefore having faid this, I do presume it will be as difficult to understand those things mentioned in the 30th Chapter of Proverbs, Verse the 19th. as it is to prove that the Crown of England comes by Descent. But possibly, when there shall be a Man so much wifer than Solomon, that can unriddle those four things, he may be able to clear this first, and resolve all other Doubts that may be proposed to him : but till that be, I hope the People will hold their Right in disposing of the Crown, and not be bound to admit the next of Blood, if he be not fit for it.

I will now, Sir, proceed to your second Demand, Whether the Duke ought to be excluded; and to that I do answer affirmatively, That he ought to be set aside; for if he had not deserved it very

fufile, the late House of Commons would not have been to vigorous and intent upon the Bill. neither would the preceding mercinary House of Commons have faid a word against him, if his Faults had not been very plain: but the whole thing is so evident, that there needs nothing more to enforce the Reasons for his exclusion; for, Is it a small thing to bold a Correspondence with the Pope and the French King, the two great Enemies to our Religion and Government? to procure Pardons for Papists, and keeping none about bim but Papists, or Popifoly affected? to prevail with the King to adjourn, proroque and diffolve Parliaments when they were doing this of the greatest moment for the Nation, and on perpose to defeat those very matters they badin band? If hewill adventure to do these things whilst he is a Subject, what may we not justly expect from him if he happen to be King?

But notwithstanding all this, some will say, That the Word of God will not allow us to put by the next Heir to the Crown, be be what he will, beeause by Moses's Law the next of Blood must inherit: Truly I am for that too when we are in a good Breed, but as our Case stands I cannot yield to it. But, under favour, I conceive, that this Text also obliges no otherwise than according to the constitution of every Government: for if the Mofaick Law be our Direction, then the Duke will be King of a third part of these Dominions before his Brother is dead, for by that Liw the Eldeft was only to have a double Portion, and no more; and then, I pray, what Absurdities will follow upon this Doctrine? But it is most plain, that this Law related only to private Families, and had no regard to the fetting up or pulling down of Kings,

for when the Law was given, the Children of Ifrael had no King, nor any prospect of it, and it was feveral Ages after that before they petitioned God for a King, and Saul was the first; and the Practice after Saul puts the Matter out of Controversie; for when Saul was dead, David was anointed, though there remained several of the Seed of Saul: After David, Solomon was anointed, tho' Adonijah was his elder Brother, and his Mother the honester Woman of the two: When Solomon was dead, Feroboam rent away ten Tribes from Reboboam; and fo on. But these Instances are sufficient to prove, that the Ifraelites did not believe that they were obliged to hause him for their King that was next of Blood : And if they might do this, who had the presence of God amongst them, and his immediate Direction, more than any other People, certainly then we cannot be faid to fin against the Light: And befides, in all private Families there is care taken to preferve the continuance of them, by difinheriting the eldeft Son, when it is perceived that he will ruine the Estate, if he be ever possessed of it: but to this some will answer, That it is seldom seen that ever any Family professed long where the right Heir was fet afide : I think so too, when the right Heir is deprived of his Birthright, for no just cause; but we find that several Families have continued many Generations after that the right Heir has been rejected; and yet tho' an ill Fare should always attend that Family where this is done, yet is it not better to continue it two or three Successions longer, tho' with a certainty of Ruine at laft, rather than suffer it to come into the the Hands of him, who will in a few years, per-

haps months, bring it to nothing.

You cannot but have heard of Mand the Empicls, who was Daughter to Henry I. what Trouble and Bloodhed the caused in England, in the days of K. Stephen, and this is often infifted on to frew what evil Confequences there will follow upon feeluding the Duke. It is true, the made a great bu-Ale, but the had that to pretend which the Duke has not, for the Nation had taken an Oath to her in the life-time of her Father, and from that the might prefume very much, but the Conditions were not performed upon which the Oath was taken, and therefore the Obligation was void, and the People were at liberty to chuse whom they pleased. But besides, whether the Duke get the Crown or no, much Blood must be spilt, for we must either fight or burn; and whether it be not better to exclude the Duke by a Law, and adventure our Lives in defence of that and all our Laws and Religion into the bargain, than to let him come to the Crown, and at belt hand hang up Thoufands of worthy Men, if he do not extirpate their Name and Families: but to be fure all those who gave their Votes to the Bill, nay, all that have declared their Approbation of it, and all their Friends and Relations, are deftin'd by him and the Pope for Deruction, if not all them who voted to elect them Members of Parliament : And how far this will extend, let any man confider.

Sir, I am now come to your last Doubt, which is, How far we ought to obey the Duke if he buppen to be King, and there be no Law, I mean, no Ad of Parliament to exclude him. This is truly a tender place,

place, and ought to be handled only in the Parliament House; but because I dare trust you in this captious Age, I will lay before you some things that I think cannot be denied. It is a known Maxim in our Law, That protedio trabit subjectionem, & Subjectio trabit protectionem. These are plain words, and are of as clear & fenfe, that is not equivocal or capable of a double construction; and I take them to be the murual Bonds between a King and his People, and one introduces the other, and they cannot be separated; for if Protection draws after it Subjection, and Obedience incites Protection, then whether or no can there be Protection where there is no Subjection, or can there be Obedience where there is no Protection? and then if it be not done on the one part, how can it be required from the other? for if the King shall go about to destroy the Government, or take away our Properties, does he not disown us, and deny us his Protection? and then, I pray, what Obedience is due to him that regards us not? Or, if the Subjects shall not obey the King's Writs, or other Commands, which by Law he may require from them, do not they disown him, and forbid him to concern himself with them? and then, I pray, what has he to do, but to do to them as they have done to him? And this will be the case, should the Duke, being a Papili, come to the Frown. We fee already that his Inclinations are for our Destruction, and besides, his Religion obliges him to it, andtherefore what Protection can we hope to have from him whose Conscience and Desire are united for our Ruine? for it is not in the power of a Popish King to preserve us, for if he will protect us, and the Pope command our Destructi-

on, he must either violate his own Conscience, or give us up to Ruine: So dangerous a thing it is to depend upon the Conscience of a Papist, who cannot be tyed or obliged by any Oaths or Obligations; and it is fafer to have a Protestant King. the he has no Morality, rather than to live under a Popish King, tho' he be the best Man living. Altho' I have heard many fay, How came it to pas that we retain'd our Properties, confidering that Popery was so long professed in this Nation? Tothat a thort Answer will serve, That the Pope's Authority was never establish'd here by Law, altho' he was allowed many things by reason of the Superfition and Blindness that then overspread this Island, yet the King and Parliament could never agree to give him any power by Law; nay, when he grew immodest in his Encroachments upon the Church, they made Laws to restrain him, but the Truth is, it was the Resolution of the Parliament, and especially of the Lords, that protected the Nation against the Pope; but if Popery should now come in, we should have it to all intents and purpoles, for it would possels both Church and State, it must have all. Q. Marys days are a sufficient Warning what we must expect from a Popish Succeffor, and how far their Promises are to be relyed on, for by the affiftance of the Men of Norfolk and Suffolk it was that the did her bulinels; and what Promifes did the make to them, not to make any alteration in Religion, and faid many other fine things, yet as foon as the was fetled on the Throne the first thing the did, was to alter Religion with the greatest violence and effusion of Blood that was possible, and these Men of Suffolk and Norfolk felt the

the first stroke of her Hand, and perhaps the grea-

teft heat of her Fury.

But I have too far digreffed from my first Argument, which is, That if Protection from the King is not given to bis Subjects, or Obedience in the Subjects is not paid to the King, then if one side fail, the other is discharged, and the Condition being broken, the Obligation is void. And this was the reafon why Vortigern the Saxon King was deposed by his Lords, for he was grown too friendly to Hengift the Dane, and the Lords perceiving that he intended to betray the Land to him, they, to prevent the Common Destruction, and because by this practice he had absolved them of their Allegiance, therefore they deposed him, and fet up his Son Vortimer, because he was a true lover of his Country. There are several other Instances of the like nature, which would be needless to be cited, because I should rather amuse than fatisfie you of the Truth, should I recount them all.

In the next place I do conceive, that the King, until be be Crowned, is not so much King to all intents and purposes, as he is after he is Crowned; for if the crowning of the King be but a meer Geremony or Compliment of State, and not essential in giving him a Right to the Allegiance of the Subject, then certainly no King of England would be troubled with the Ceremony of being formally crowned, because then there will lye no Obligation upon him to take the Coronation Oath, and so he may be more at liberty to act according to his Will, because his Conscience will not be clogged with the weight of so solemn an Oath; and then with less Insamy and Resection he may suspend

offend or pervert the Laws, and therefore with fabriffion to better Judgments, I am not convinced, that the King, whill he is uncrowned, has that Right in our Allegiance as he has after that the Crown is fet upon his Head, in the fame way that it ought to be done, for before the Crown is fet upon his Head by the Archbishep, or other person appointed to do it, the Nobility and People are asked, if they will do their Homage and Service to bim; Which by the way implies, that the People are at liberty in the thing, and that if he be Crowned, it is by their Leave and Election; then if the People consent, the King takes the Coronation Oath, which is, to preferve the Church, our Laws, Liberties, and Properties, and to adminifor fustice indifferently; and thus, when he has Sworn to us, the Crown is immediately put upon his Head, and then the Nobility and People do their Homage to him: and according to this has been the Practice ever fince thete were Kings in fagland. And I believe there is scarcely an Inance where the People ever Swore to the King before he bad taken bis Oath to them : If there be any fuch President, it is to be look'd upon asirregular, no sot to be a Direction to us; for it is not impossible but such a thing may happen, but however, is it reasonable that one or two Instances shall be sufficient to invalid a Practice of several hundred years to the contrary? And is it not a piece of nonsence, that we should adventure our Religion, and Properties, and all we have, in the Hand of him, that for ought we know has an Obligation on him to ruine or give us up to a Foreigner, and not in the first place to take Security from him, that he will defend and do us right, B 6 6 6

before we repole so great a Trust in him, for otherwise such Consusion and such Contradictions would follow, that the Wit of Man cannot invent how to salve them.

But I acknowledge there are fome Infrances where the People have (worn to the Succession in the life-time of the Father; and thence some do infert. that the King is entitled to our Allegiance before the Crown is fet on his Head : but this, under corre-Gion will not hold, for it does not appear, but that the intended Succeffor fwore to them also at the fame time; and it is very probable he did: yet if he did not, it cannot thence be concluded, that the King has Right to our Allegiance before he is Crowned; for whenever it happen'd that the Successor was fworn to in the life-time of his Father, if afterwards he came to the Crown, he took the Coronation Oath before the People fwore Allegiance to him: And therefore it is very plain, that an Oath taken to the Successor in the life-time of his Father, is nothing more but a declaring the good liking they have of the Successor, and that if in case he will promise to defend them and their Properties, when his Father or Predeceffor dies, they will elect him for their Kings as possibly it might now fall out, if in case the Duke of Monmouth were legitimate: Don't you think that the People would be very inclinable to fwear to his Succession next after the King? And I believe you will never find it done, but when the King had the Hearts of the People, or out of the hopes they had in the Successor, for English Men, if the King pleases them, he may have all they have, even to their Skins; as a wife man faid, If an English King will be kind to the People, and therefore it is, that in the most peaceable and manquil times that ever the Land saw, when king and People had a mutual Considence of ach other, we find things done by the King that are more irregular in those times of agreement, than was done in times of greater consusion; and the reason is, because the King strove to please the People, and they were willing to gratiste him

by conniving at his Faults.

But besides all this, the Law of Nature is to be confidered, and this Law cannot be extinguiand by any other Laws whatfoever: And this I more heard any man deny. The Law of Nature, minands Self-prefervation; and then I would ask, sherber I am to obey bim that will deftroy me. If we Mall have a Prince that plainly declares either by Ms Words or Actions, that he will change our Government and Religion, or that he will give us up to a Foreigner, or elle that he will govern fre flanding Army, and take away our Prorefere my Self and Country from Ruine? for in the Saxons time, Treason did not relate to any bing but the Government, and the general Concern of Wation, and not to the fingle Person of the King: and now, though it be Treason to kill the King, get it is only in order to the Publick Good; and therefore with the Saxons all Indictments against Ligience concluded Felonia & Proditoria, but againft the Person of the King only Felonia: But in our days we find things are crept in that is difficult to tell how or when they came in. And you hall find in all our ancient Laws, that whatever

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was decreed or enacted was for the Common Good, and the King was not concerned otherwise, than so far as related to the Common-wealth; though I know, in our days, another Opinion is afferted, which Iam fure cannot be maintained, That all things must give place to the King's particular Interest. For my own part, I will obey the King, but I think my Obedience is obliged no further than what he commands is for the Common Good. Our Government ever fince the Conquest has proceeded upon the Saxon Principles, and they were grounded upon Self-preservation, which I do not find to be repeated by any Act of Parliament; for all our Lawyers do agree, That it is Treason to subvert the Government: and if fo, without doubt our Allegiance, the Laws of God and of Nature command us to defend them.

I will detain you no longer, but only to confider this one thing: Whenever we have a Popish King, we must expect an alteration at least in our Religion; for though he take all the Oaths and Declarations that can be devised, yet it ever stands in the way to oppose the Interest of Rome, they must all give place, and it is meritorious to break those Engagements for that purpose, or, at worst hand, be certainly pardoned, if he presume to do it without a Dispensation; and it is no more in his power to preserve our Religion, than it is for him to work an Impossibility. And therefore, whether it is better to oppose a Popish Succeffor, feeing we have the practice of our Forefathers to justifie us in it, and belides, he cannot if he would defend us; or else to suffer him to rest in the Throne, to destroy all we have, and bring Two Important Questions.

561

soing in a Religion that will damn Millions of Souls from Generation to Generation: And if we may not defend our Religion, then we must absolutely depend upon Providence in every thing, and not put out our Hand to help our selves up when we are fallen into a Ditch. This is the Case, and here is an end of all Human Policy, but without doubt it is our Duty to do our Endouvoiers, and leave the Success to God Almight, and his Will be done.

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## CASE

OF

## WILLIAM

EARL Of Devenshire. Le Collins Reruge vol. 1. p. 323.

N Sunday the 24th. of April, 1687. the faid Earl meeting on Collonel Culpepper in the Drawing Room in White-ball, who had formerly affronted the faid Earl in the faid King's Palace, for which he had not received any satisfaction, he spake to the said Collonel to go with him into the next Room, who went with him accordingly; and when they were there, the said Earl required of him to go down Stairs, that he might have Satisfaction for the Affront done him, as aforesaid; which the Collonel resusing to do, the said Earl struck him with his Stick, as is supposed. This being made known to the King, the said Earl was required by the-Lord Chief Justice Wright, by Bbbb4 War-

Warrant to appear before him with Sureties: accordingly April 27. he did appear, and gave Bail in 30000 1. to appear the next day at the King's Bench, himself in 10000 L and his four Suretles in 5000 1. a piece, who were the Duke of Somerfet. Lord Clifford the Earl of Burlington's Son, Lord De-La-mere, and Tho. Wharton, Efg; eldeft Son to Lord Wharton. The Earl appeared accordingly next morning, and then the Court told him, that bis Appearance was recorded, and so he had Leave to depart for that time; but upon the fixth of May he appear'd there again, and being then requir'd to plead to an Information of Misdemeanour for friking the Said Collonel in the King's Palace, he infifted upon his Priviledge, That as he was a Peer of England, be could not be tryed for any Mifdemeanour during the Priviledge of Parliament : and it being then within time of Priviledge, he refufed to plead; the Court took time to consider of it till Monday, which was the last day of the Term, and the Earl then appeared, and delivered in his former Plea in Parchment; the Judgment given b, the House of Lords, in the Case of the Earl of Arundale, 3 Car. was urged on the behalf of the Earl, viz. That no Lord of Parliament, the Parliament then fitting, or within the usual times of priviledge of Parliament, is to be imprison'd or restrain'd without sentence or order of the House, unlessit be for Treason or Felony, or for refusing to give Surety for the Peace : And also, that the like Priviledge was, about two years before, allow'd in the Case of my Lord Lovetace. The Court over-rul'd the Earl's Plea, and requir'd him to plead to the Information the first day of the next Term, and to be a Plea as of this Term; and so he had Leave to depart, but but his Sureties were not called, for to fee if they would continue as his Bail. The next Term he appeared, and pleaded guilty to the Information, and so the last day of the Term the Court did award, That he should pay a Fine of 200001. he committed to the King's Bench till it be paid, and to find Sureties for the Peace for a year.

To all which Proceeding and Judgment three

notorious Errors may be affign'd.

I. The over-ruling of the Earl's plea of Privi-

11. The Excessiveness of the Fine.

III. The Commitment till it be paid.

is a thing of that vast consequence, that it requires a great dealof time to comprehend it aright, and is of so great an extent, that more may be said of it than any one man can say. The Judgment seems to be very unnatural, because an inferiour Court has taken upon it to reverse a Judgment given in a superiour, of which no such President is to be found in regular times, scarcely in the most confused and disorderly.

2. Because it is in Case of Priviledge, which is the most tender part of every Court; for if the Rights and Priviledges of any Court are made light of, the Gourt itself will soon come to nothing, because they are as it were the most essential part of it, if not the very Essence of the Court, for what signifies a Court, if its Orders cannot be executed? It is better that a Court were not, than that its Priviledges should not be duly observed, for without that it becomes a Snare and Mis-

Mischief to the People, rather than an Advan-

tage.

3. Because by this they have fet the Feet above the Head; for as they have by this declared themselves to be Superior to the Lords, so it will naturally follow, that a Quarter-fessions may reverse their Orders, or Suffend their Priviledges, and a more inferiour Court shall superfede what the Quarterfessions does: And thus it must go on till the course of Nature is inverted.

4. Because they may as well deny a Lord, or over-rule any other Priviledge, as well as this, and so consequently, when the House of Lords is not actually litting, every Peer must be bebolden to the

Judges for every Priviledge that be enjoys.

5. If this Judgment be according to Law, then may the King's Bench try a Peer for Misdemeanor, at the very time when the House of Lords is fitting; and confequently the House must want a Member, if the King's Bench fees it good to have it so; and what a confusion would it make, and the consequence of it would be, is easily discern'd; the want of one Member makes that House think itself to be lame: as was seen in the Case of the Earl of Arundale, 3 Car. How many Petitions did the Lords make, and how many Messages palsed to and fro, between the King and them, who would not proceed to any business till be was restored to bis place in that House ? for they told the King, That no Lord of Parliament, the Parliament fitting, or within the usual times of priviledge of Parliament, is to be imprison'd or restrain'd without Sentence or Order of the House, unles it be for Treason or Felony, or for refusing to give Security for the Peace. Surely the Judges did not give that JudgJudgment for want of understanding that Judgment of the Lords; for nothing can be more express and plain for it: and says directly, That sitting the Parliament, or within usual times of priviledge, we Peer shall be molested, unless for Treason or Felony, or for refusing to give Security for the Peace. The Earl of Devonshire did all that the Judges could require of him, by finding Sureties for the Peace; and what the Judges did more, was not grounded upon that Judgment of the Lords, but was a manifest and presumptuous invasion and violation of the

Priviledges of the whole Peerage of England.

It is very obvious how the Peerage has been undermined ever fince Hen. VII's time, what Endeavours have been used to make it less and less. first, by multiplying the number of them; secondly, by raising people of mean extraction to that Dignity, both which tend to render it contemptible; but nothing can make it more despicable, than that its Priviledges should depend upon the beck of the King's Bench : and therefore confidering how groundless and without president it is, what they have done in the Case of the said Earl, it is no more than probable, that they thereby aimed at pulling down the Peerage. For, what feems to likely as it does? It carries its Evidence in its Face, for it manifefly takes away the priviledge of the Peers, and till it does appear for what other end it was done, all Men of Sence, and that are unprejudic'd, must believe it was to pull down the Peerage; for all that can be pretended, is, elther to fecure the Peace, or to punish the Offence. The Earl did give Security for the Peace, and he did not delign to shift off his Tryal, but that it should be in its proper scason; for tho' it

delay'd the Trial, yet it brought it to the proper time, and so consequently the more legal and reasonable : but the Judges must go out of the Way of Reason and the Law, to make a breach in the priviledge of the Peers. It is too commonly the Discourse every where, and I fear with too much reason, That the Judges make very bold with the Law; but it's plain by this Judgment, that they bave fruck the priviledges of the Peers under their Girdle. Whether it did proceed from Ignorance or Corruptness, will appear upon what they shall fay for themselves: it's too plain from one of them it is, and either of yours renders them unmeet to fit in that place. I do remember, that the puny Judge gave this Reason for over-ruling the Earl's Priviledge: fays he, Your Lordship, and all the Peers, receive all your Priviledges from the King, and therefore it would be very unreasonable to make use of them against him : and seeing the King is concerned in this Case, I am of the opinion, that their Plea be over-ruled. It is said, that he has some Law, and therefore it's the greater presumption in him to judge upon the Lords Priviledges, who is not qualified by Law to fit as a Judge in any Case, for he is a Papist, as every body says, and To confequently has not taken the Oaths and Test that the Law enjoins, before he take his place on the Bench.

But as to his Doctrine which he laid down, fince it does not properly come into this Debate, I will only ask him a few Questions, Whether there was not a People before there was a King? Whether the King begot all his People; and if people of several Nations should be east upon an Island, and seeing no probability of getting thence, they agree upon cer-

tain Laws and Rules for the Common Good, and make choice of the wifest Man amongst them as their King, to rule and govern them according to those Lows, can it then be faid, that the People received their Priviledges from bim, or that be is not strilly bound to govern them by those Laws and no other ? I desire to ask this one Question more: Whether the King is not bound, as well by his Oath as by the nature of the Government, to protect and defend every Subject in his just Rights and Properties? But allowing his Doctrine as orthodox, yet his Reason is admirable; for the Subject is not to make a defence in any Case, if the King have any Title or Concern in it, all Corporations must deliver up their Charters of course, whenever a Quo Warranto is brought; and, why? because it was a Grant from the King, and it would be very hard to oppose him with his own Gift: whoever holds any thing by Gift from the Crown, and tho' made s fure as the Broad Seal can make it, yet if the King think good to question it, the party must yield it up without inlifting upon his Right, for the Reason given by the learned Judge: for the ame Reason every Peer, if devied his Writ, mutt not demand it; nay, he must surrender his Patent, and renounce his Title, as far as in him lies, if the King require it : And for the same reason, when any man is called to an account for his life, he must make no defence, but submit himself to the King's Mercy; for all we have is from the King, and nothing must be disputed when it is his pleasure to question it : This is indeed to make the King as absolute as any thing on Earth can be, yet is withal to make him the most unjust Prince that ever fate on the English Throne. This

fort of Justice is learnt from Children, whose Gists continue good no longer than the Donor remains in that kind mood. Surely nothing can more reflect Dishonour upon the King, for it makes him as unjust and uncertain as any thing can be, both which should not be in the Temper, much less in

the Actings of a Prince.

Another Reason was given, I think, by the Chief Justice, or elfe by Mr. Justice Holloway, because it was absolutely necessary for the securing of the Peace, it was mrg'd fo far, as if the Peace could not be secured without it. Surely all this must be but gratis dittura, for my Lord Devonshire, by finding Sureties, had done all that the Law does require for fecuring the Peace, unless they had clapt him up a close Prisoner; which they could not justifie, if he tender'd Sureties: and therefore, either my Lord Devenshire is different from all Mankind, and a different method must be made use of to secure the Peace, or else this Argument of theirs favours not so much of Reason as of something elfe, that ought to be no Ingredient when they give Judgment in any Cafe; and it furpaffes common fence to understand, bow the over-ruling my Lord's Plea could tend to the securing of the Peace; either the Security which he had given must awe him to keep the Peace, or the other could not, for he had broke the Peace again, and repeated it several times before he came to his Trial, yet that could not effect the Merits of the Caufe, neither could it be given in evidence at the Trial, fo as to alter the flate of the Fact; neither could the Judges, by reason of it, enhaunce his Punishment if he were found guilty, but they must look upon it as a diffinct Offence, and fo might require the

greater Security for the Peace, and for a longer time.

lodeed it is an effectual way to prevent a man from breaking the Peace, to lay fuch a Fine upon him as is impossible to be paid immediately, and

to commit him till payment.

It is too probable that the Judges being condous how liable they have made themselves to be called in question for this Sameiness and trampling spon the Law, would debale and bring under the Credit and Authority of this Court, because no other can take cognizance of their proceedings, fo as to correct their Errors and Miftakes; it is only here that they can be called to an account for what they do amis, no Court can punish them but this; so that if they can once top your Lordthips, there is nothing that they need stand in awe of, nothing to restrain them, but they may act ad libitum, not per legem; for, let this Court be deprest, and they may fay, Of whom then need we be afraid? By what they have done already they have sufficiently shewn to what Extravagances they will proceed when they think themselves to be out of the reach of this Court.

If once the King's Bench can fet it felf as high as the Judges have attempted by this proceeding against my Lord Devonshire, then must the whole Nation (your Lordships not excepted) floop to all the Extravagances and monstrous Judgments that every corrupt and ignorant fellow shall give, who shall chance to get up to the Bench ; and not only this prefent Age shall seel and undergo the Mischief, but it will be entail'd upon all succeeding Generations. Well then, did the Judges attempt that which would bring your Lordships so low, and

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raise their Court so high, to set it above all reach or controul, especially if they did promise to themselves Impunity, if not Reward, which they might have expected, had it been in the Reign of anarbitrary Prince, who would be a great gainer by the fall of this Court, because then the Skreen betwixt the King and People is taken away.

This is the first time that an inferiour Court did take upon it to invalid the Priviledges of a superiour. Superiour Courts do sometimes set aside the Orders and Proceedings of Inseriour Courts, and yet in that case they proceed with that caution, that it is never done but when there is manifest Error, and the Law not duly pursued and observed; but in no case was it known that

they ever meddled with their priviledges.

If what the Judges have done is good, I cannot tell what Power and Jurisdiction they may not pretend to, for no bounds nor limits can be set to the King's Beneb; it may assume as great a power in Civil Affairs as the High Commission does in Ecclesiastical, in their Actings not to be tyed up to any Rules or Method, but to vary and alter them as well as the Law, when occasion or humor serves, the proceedings shall be as summary, or as delatory as they think sit, and your Lordships shall no more than other people be exempted from the exercise of that power.

Therefore if your Lordships will not prevent the Mischief from spreading it self over the whole Nation, yet I hope you will take notice of the Injury you have suffer'd in the Case of my Lord De-

vonshire, and to do your selves Right.

The Law has for the most part lest Fines to the Diferetion of the Judges, yet it is to be such a Diferetion as is defin'd by my Lord Coke, fol. 56. Diferetio est discernere per legem quid sit Justans; not to proceed according to their own Will and private Affection, for Talis discretio, discretionem confindit, as Wing at says; fol. 201. So that the Question is not Whether the Judges could fine my Lord Devonshire, but Whether they have kept themselves within the bounds and limits which the Law has set them.

It is fo very evident, as not to be made a Queflion, whether in those things which are left to the Diferetion of the Judges, that the Law has fet them bounds and limits, which, as God fays to the Waves of the Sea, Hitherto shalt thou go, and no fariber; for either they are fo restrained, or else the Law does suppose them to be exempted from those Frailties and Passions which do attend the rest of Mankind: But as they cannot be suppos'd to be void of Paffions and Infirmities, no less than other Men, so it cannot be imagin'd, that the Law has left Men to fo wild a Justice as is guided by Passion and Affection, for it had been so great a Defect in the Constitution of this Government, that long before this it would have been reform'd. And as it is most clear, that they are thus restrain'd, so those bounds and limits are no less known to them that are acquainted with the Law; there are two things which have heretofore been look'd upon as very good Guides, 1st, What has formerly been expresly done in the like Case; 2ly, For want of such particular Direction, then to confider that which comes the nearest to it, and so proportionably to add or abate, as the manner and circumstance of the Case do require. Thefe

These were thought very good and safe Directions, till it was declared, and ever since has been practifed in the King's Bench, that they did not regard Presidents, but would make them; and for ought that I can learn or find, this of my Lord Devonshire is an Original.

What Obscurity soever may be pretended in other Cases, yet in this the Law has given so positive and plain a Direction, that it seems very strange how they came to lay a Fine of 30000 s.

upon my Lord Devonshire.

The Court of Starchamber was taken away, because of the unmeasurable Fines which it impos'd, which alone was a plain and direct prohibition for any other Court to do the like, for otherwise the Mischief remain'd; for what Advantage was it to the Nation, if it had not been wholly supprest? the hifting of Hands gave the People no Ease in the Burden that lay upon them; it was all one whether the Storebamber or King's Bench did crush them by immoderate Fines. But to put all out of dispute, the Statute 17 Car. fays expresly, That from herseforth no Court, Council, or place of Judica. sure shall be erected, ordained, constituted, or appointed within this Realm of England, or Dominion of Wales, which shall have, use, or exercise the same, or the like furisdiction, as is or bath been used, practised, or exercised in the Said Court of Starchamber: And this was upon very good reason, because those great Fines imposed in that Court, were inconfiltent with the Law of England, which is a Law of Mercy, and concludes every Fine which is left ar discretion, with Salvo Contenimento. Fines imposed in the Starchamber were an intolerable Burden to the Subject, and the means to introduce

same an Arbitrary Power and Government; as that Statute secites, the like proceeding in the King's but to can be no less grievous, and must produce the same Evil. Laws that are made upon new occasions, or sudden immergencies, the Reason upon which they were made may cease, and confequently they do cease also; but Laws that are grounded upon the antient Principles of the Government cannot cease, because the Reason of them will ever continue; and this Statute of 17 Gar. being such, no doubt holds good, and is now in its much force as the first moment in which it was made; and therefore this Fine imposed on my lord Devenshire is in open defiance of that Statute.

I think no man can altogether excule my Lord Devenfeire; for my pare I don't, but shigh it was a very inconsiderate rath act, and I believe the Indiferention of it abstracted from the Fine is B very levible trouble to him; yet if those things were winting which may be urg'd in his rackle, the Offence and Punishment dan't feem to bear proportion. Could not the Medits of his Father be laid io the balance, nor the Surprize of meeting Coll. Culpepper & for my Lord having been abused by him, a man of fo great Courage and Honour as my Lord Devonshire, must needs feel and remem-ber it a long time, having received no faristaction or reparation made him for it; but if there were nothing of this in the Cafe, could all that may be faid to alleviate his Offence be urg'd againft him with a double weight, were the Circumstances of the Fatt as foul and aggravating as the Malice of his Enemies could with, yet furely a less Fine might have serv'd, for the Law casts in a great Cccc 2 many

many grains of Merey into every Judgment, and has ever look'd upon a over-rigid profecution of the Guilty to be no less Tyranny than the profecution of the Not guilty, because it is Summum jus, and has

declar'd that to be Summa Injuria.

But befides all this, I do conceive with submiffion, that where the Law has intrusted the Judges with a power to fine, it is in a much les degree than sbey bave done in this Cafe : First, because the Law is very cautious whom and with what it does inexult : it reposes a great confidence in the King yet'in some cases his Acts are not regarded by it as the King tant do no Ministerial Ad, a Commitment per feciale mandatum Dom. regis, is a void Commitment: Where there lies an Action Imcafe of Wrong done to the Party, the Acts of the King in those cases, according to the old Law Phrase and to be bolden for none.

Secondly, Because Liberty is so precions in the eyt of the Lam; it is of fo tender a regard, that it has referv'd the whole diffofe thereof to its own immediate direction, and left no part of it to the Discretion of the Judges, and what the Law will not suffer to be done directly, it does forbid that it be done indirectly or by a fide-wind; and to confequently the Judges cannot impose a greater Fine than what the Party may be capable of paying immediately into Court: but if the Judges may commit the Party to Prison till the Fine be paid, and withal set so great a Fine as is impossible for the Party to pay into Court, then it will depend upon the Judges pleasure, whether he shall ever have his Liberty, because the Fine may be such as he shall never be able to pay: And thus every Man's Liberty is

wiefted

wrested out of the dispose of the Law, and is stuck

under the Girdle of the Judges.

Thirdly, Because the Nation has an Interest in the Person of every particular Subject, for every Man, either one way or other, is uleful and ferviceable in his Generation, but by these intolerable Fines the Nation will frequently lose a Member, and the Person that is Fin'd shall not only be disabled from doing his Part in the Common wealth, but also he and his Family will become a Burden to the Land, especially if he be a man of no great Estate, for the excessive Charge that attends a Confinement will quickly confume all that he has, and then he and his Family must live upon Chariy. And thus the poor man will be doubly punish'd, first, to wear out his days in perpetual Imprisonment; and secondly, to see Himself and Famly brought to a Morfel of Bread.

Fourthly, Because in all great Cases, and such as require a grievous Punishment, the Law has in certain awarded the Judgment, and next to Life and corruption of Blood, a severer Punishment cannot be imposed, than to be Fined more than a man can pay, and to lye in Prison till he does: But if some great Cases did happen, which could not be foreseen, it was always usual with the Judges, when any such Case came before them, to adjourn it to the Parliament, which had been needless, if they could have punished at the rate

that our Judges have of late done.

Fifthly, Because where ever the Law has set down a Fine, either by way of Punishment or Caution, it seldom exceeds 2000 l. Nay, even in that tender place of Liberty, if a Judge shall not relieve with an Habeas Corpus, but let the person lan-

Cccc 3

Penalty; and I suppose that that is but inconsiderable, in comparison of what any of the Judges are worth, yet it being taken as a Punishment, is

by the Law look'd upon as a great Sum.

Sixthly, Because the Law of England being a Law of Mercy, and very careful to prevent Violence and Oppression, and to that end having for almost every Offence appointed its particular Punishment, it cannot be supposed to have lest so great a power in the Judges, as they have exerted in this Gase. True it is, some things are lest to their Discretion, because it was not possible to foresee every particular Case that might happen, yet they are things of the least size that are so introduced to their Judgment, sor (as was said before) matters of any considerable moment were still refer to the Parliament, as also the review of what the Judges should do in those lesser matters, which were less to their Discretion.

As these Proceedings are a great Wrong to the Subject, so are they no less a Disadvantage to the King, because they will make his Government look very rigid and severe, and gives it a grim sterae Countenance, which, tho' I don't say that it will make the People rebel, yet I am apt to believe that it will set them upon their guard; its sair and gentle usage, that prevails upon reasonable and free-born Men; it's an easie Government that will bow the Hearts of the People of England, for, says the Statute P. M. That the Estate of a King standeth more assured by the love of his Subjects than in fear of Laws; so that the King will be on the losing band by these proceedings, because it spoils the complexion of his Government.

And

And the King will yet be a farther Sufferer, for if 20000 1. be the price of a Blom, it will make White ball very empty, for he that goes thither must approach it with fear and trembling, because be does not know but he shall be ruin'd before he comes thence; for though a man arm himfelf with all the Resolution he can, yet it cannot be Proof against the Contrivance of those that intend to do him a Mischief, especially if he is not upon very good terms at Court, there will never want those who will endeavour to draw him into the Snare, hoping to merit by it, though perhaps they mitake their aim ; yet however, Revenge, that is fo sweet, will be greatly encourag'd to provoke him, because he cannot hope to reek his Malice so plentifully as this way, because if his mpt succeed, the other is ruin'd: nay, if he do-not firike, but only defend himself, yet if the Judges don't like the Complexion of the Man, they will call the Fox's Ears Horns, and lay all the Blame on his Back, and pronounce him more guilty that looks over the Hedge, than he that steals the Horfe.

Since the Business of my Lord Devonshire happened, I have heard him blam'd as the Author of his own Misfortune, and that he drew the Mischief upon himself; and the Reason given, was, herause he ought not to have gone to Court; for, said they, he knew there were many there who wish'd him ill, and therefore sooner or later he would meet with an Affront, and if he once fell into their Hands, he must expect no Quarter, because Coll. Culpepper, who, without any provocation of my Lord's part, had so unnecessarily fallen upon him, and had by drawing Blood upon my Lord forseited his Hand;

yet not only that, but all the rest of the Judgment was pardoned, and therefore as well that as this are look'd upon as businesses that were laid. But in saying this, I only tell your Lordships what is said without doors, and I don't speak it as my Opinion, but setting the tattle without doors aside, I do conceive, that can never be a just Judgment which injures the King as well as the party that is

punish'd.

But the true nature of my Lord Devonshire's Offence has not yet been throughly confidered; the Law does in all cases give great Allowances to what is done on a sudden beat, where there does not appear any Premeditation; and for this Reason, when a man is indicted for Murder, if upon the Evidence there does not appear Malice prepence either express'd or imply'd, the Party acculed shall have his Clergy: and for the same reafon, though it be Death to maim or disfigure another, yet if it be done on a sudden beat, the Party shall not dye for it; for in these and the like cases the Law thinks him to be more blame worthy who gave the Provocation, than he that was fo provok'd, because it was not the effect of an evil Mind, but of Paffion : Et adus non fit reus nifi mens fit rea. If therefore it be true which I have heard, That the King promised my Lord Devonsh. that Coll. Culpepper should never come to Whitekall, it will then follow, that my Lord Devon-Shire's striking Coll. Culpepper was the effect of Passion, and not of Intention, because he could not expect to meet him where he did. If fo, I conceive with submission, that the Punishment and Offence don't in any measure bear proportion.

But I am perswaded that the Judges were refolved upon what they have done before they heard the Cause, in case my Lord was found guilty, and the rather, because my Lord Chief Justice was harranguing the Offence beforehand; for when my Lord Devonshire appeared 6. May, he told him, that to strike in the King's Palace was little less, or next door; to pulling the King out of his Throne: Indeed, on the last day of the Term he did explain them thus; That the Time and Gircumflances might be fuch, as it would be little kis than the affaulting the King in his Throne: But feveral have told me, who heard him, and they fay, The first words of Time and Circumstanes were not mention'd by him 6. May; and in particular, a Noble Lord of this House is one from whom I had my Information; and if it were fo, those words savour too much of a prejudging the Caufe.

There is no doubt, but in case of a Fine set the Court may commit the Party, in case of obstinacy, for not paying the Fine into Court, yet this is to be taken cum grano falis, for if the Fine be immoderate, or else he has not the Money then ready, but either offers Security to pay it, or else prays for some time, and in the interim to stand upon his Recognizance in either of these Cases: to commit for not paying the Fine into Court, is not justifiable, because it is to punish for not doing an Impossibility, for Lex non legit ad impossibilia.

Secondly, It is not justifiable, because if the Fire be paid, the Law is as much fatistied if it be paid five years hence, as if it be paid then immediately into Court, for the Law does not sup-

pole, that the most wealthy man does carry fo

much Money about him.

Thirdly, It is very unreasonable, because it does in a great part disable the person to pay the Fine; for if he be a man that manages his own Affairs, his Writings, that are necessary to make the Security, may be so dispos'd of, that it will be difficult to come at them; besides, there being a necessity upon him to have the Money, those of whom he is to have it will be very apt to hold him to harder terms, for the World is so unnatural and brutish, that one man is but too prone to make his Advantages upon the Missortunes and Necessities of another; and that Proverb Homo bomini lupur, is in no Gase more true than in the business of Money.

## ARGUMENTS

AGAINST

## The Dispenting Polver.

foresaw and prophecied, is now suffilled, viz. That our Slavery, whenever it happen'd, was rather to be feared from the Twelve Redcoats in Westminster.

Resolved by Lord Chancellor Egerton, no Non obstante could dispense with the Law about Sale of Offices.

Coke 234.

ball, than from 12000 standing Forces: for this Opinion, if from henceforward it shall be Law, then has our Freedom received a dreadful Wound in the Head: for we shall hold all our Rights and Properties but precariously, even no longer than it is the King's pleasure to have it so.

But be it as it will, and how clear soever it may appear to the Judges, yet at present it does consound the Understandings of all People besides, because till now it has been hidden from the Eyes of our ablest Sages of the Law, wrapt up in such Clouds and thick Darkness, that the most discerning of them have not been able to pry into

into it; and therefore it passes all our Understandings, that this Sett of Judges, who had not Law enough to employ them at the Bar, before they were raised to the Bench, should find out the Secret, and give an Absolute Opinion, for which there is not any prefident to be produced, and therefore shrewdly to be suspected that it is not grounded upon Law, no more than those Opinions were for which several Judges have been banged. The Law of England has ever been reputed to be as plain and intelligible as that of the Fews, which was written on the Palms of their Hands, fave only when Judges are ignorant and needy, and are affured that Parliaments are at a great distance, and then only are such Opinions as those given, for their Ignorance makes them affured, their Poverty makes them leap before they look, and when Parliaments feem very remote, under that shelter they grow bold : But it is to be hoped, that fuch Opinions as these will pass for Law no longer than the Nation is govern'd without a Parliament, which, sooner or later, will come as certain as that there will be a Day of Fudgment.

It is strange that these Judges should understand so great a Mystery as this, unless there be as great Vertue in a Judge's Gown as was in the Mantle of Elijab; and if so, how happens it that the same Spirit has not rested on those who have sate before them on the Bench; but if a double Portion of that Excellent Spirit is rested upon our present Judges, that they are able to dive into so great a Mystery as this, and see so much further than any who have been before them, surely they are also endowed with the Tongue of Angles, and

fo can explain this matter to the Understandings of the People; which in Duty they are bound to do, or esse in time, with the price of their Heads, they may come to give the true Reasons of this their Opinion:

1. That the Kings of England are Soveraign

2. That the Laws of England are the King's

13. That therefore it is an incident inseparable Pretogative in the Kings of England, as in all other Soveraign Princes, to dispense with all Penal Laws in particular Cases, and upon particular necessary Reasons.

4. That of these Reasons and Necessities the King bimself is the sole Judge; and which is consequent

therewoon,

5. That this is not a Trust invested in or granted to the King, but the ancient Remains of the Soveraign Power and Prerogative of the Kings of England, which never was yet taken from them, nor can be.

Therefore in this Case such Dispensation being pleaded by the Defendant, and such Dispensation being allow'd by the Demurrer of the Plaintiff, and this Dispensation appearing upon Record to come time enough to save the Desendant from the forfeiture, Judgment ought to be given for the Desendant & quod querens nil capiat per billam.

Soveraign Power is of a vast extent, that is as much as unlimited, and to which no Bounds is or can be set. That the Kings of England in Parliament have a Soveraign Power, is true; that with the Consent and Concurrence of the Lords and

and Commons he may do what he will, is without question; and it is as certain, that out of Parliament his Power is limited and confined within certain Bounds and Limits, which he cannot pals without doing violence to Justice and the Laws; for there are two Powers in the King, the one in Parliament, and that is Soveraign; the other out of Parliament, which may be directed and controuled by the former, and therefore called Potestas Subordinata, pag. 10. Rights of the People, p. 9. Argument of Property; therefore his Power is Soveraign, only sub modo; for out of Parliament many of his Acts are not only questionable, but void in themselves, for what he Rights of the shall do against Law, those Acts Kingdom, 83. bind no more than if they were a Child's, he cannot command one man to kill another, he cannot pardon a common Nulance, nor an Appeal at the fuit of the Party. And multitudes of the like Inftances might be given; for if the King's power out of Parliament was as great as in Parliament, then there's an end of the Policy of this Government, and the Barons Wars was only to beat the Air.

It is most certain, that till these late days, during which we have been so very much Frenchi-

Roads are called the King's Highway, but the Freehold is in the Lord of the Soil, and of the Profits growing there as Trees, &c. Terms of the Law, 56. fied, that the Laws have been more frequently stiled or called the Laws of the Land, than the King's Laws, and therefore if the Denomination of them declares the right, the King will be found to have no very strong Title.

But if they had constantly been called the King's Laws,

times, yet that is a very Sandy Foundation to build a power upon of sufpending and dispensing with them at his pleasure.

Now, if they are the King's Laws, then he only made them; but if the Lords and Commons also had their thate in the contriving and making of them, then that Advice and Confent of theirs gives them such a Title to an Interest in them, that they cannot be changed or altered, no more than they could be enacted, without their Confent, for nothing can destroy a thing but the lamb Power that made it; and therefore, unless the King alone be the same power that enacted the Laws, they cannot be properly called bin Laws, so as that at his will and pleasure he may dispense with them.

But if the Laws were made and enaded by him only, yet it does not follow, that the King may dispense with the Laws when to him it shall feem meet; for there is no King to abfoliete, but may be limited. Thus we fee the Eastern Kings; who were as absolute as any Princes upon Earth, yet were limited and refreshed by their own Promifes Even that great King Abasuerus, who and Acts. had Ruled over 127 Provinces, when he had made 1 Decree, he could not revoke, change, or dispense with it; for the Writing which is written in the King's Name, and fealed with the King's Ring, may no man reverse, Eftb. 8.8. no, nor the King himself; which is clear from that famous case of the Decree to deftroy the Jews, to reverse or suspend which it's plain, he wanted not Inclination, and if ever, would then have exerted his full power, for he was prick'd on by all the Spurs and Inducements that could be in any case, yet all he could

could do was, to give the Jews leave to defend themselves; therefore if those Heathen Kings were fo bound by their Word and Laws of the Country, it's reasonable to suppose that Christian Princes should be as much eyed up by their Words and the Laws; and if the King be bound by his Word and the Laws which he shall not pass, then is he under the fame obligation as if he had actually given his affent to every Law that is now in force, because he has given his Word; and taken an Oath to preferve and maintain all the Laws.

And it feems fomething frange, to hear of a power to dispense with Penal Laws, there being to late a Judgment against it, the late King in Parliament disclaiming it : and the whole Case is very remarkable, for during the interval of a Parliament, he grants a Declaration of Indulgence, and

nied.

at the meeting of the Parlia-Nothing of force or ment tells them, be bad done confirmint brought him it, and would frand by it, and to make that Confession and he would be many with any on, but the Truth was Should be very angry with any too evident to be de- manthat should offer to diswade bim against it. Yet though he had thus braved the Par-

liament, within ten days, openly in Parliament, he disclaimed it, and confessed, that he could not dispense with a General Law, and had ordered the Seal to be pulled from the Declaration. Surely the Case must be very plain, that the King, after he had justified the thing so solemnly, yet should so suddenly eat his words, and confess himself in the wrong, and to that Parliament too which had almost unhinged the Government to please him, which no doubt would have complied with him in it, had it been less than to lift the Government

quite

the King can diffense with Penal Laws, is nothing less than to dissolve the Government, and resolve all into the King's Will and Pleasure, for our Parliaments are then but a piece of Pageantry or Pupper, because in a word the King can annihibate all that they shall do in many Ages, all the Provisions that they shall make for the Good of the Nation are but airy notions and painted shewr, they are, and they are not, just as the King

pleases.

Now, if the King can do this, to what purpole have several things been done? what means the Statute de Prerog. Regis, 17 Ed. 11? for certainly it's a thing of a much higher and transcendent nature, to have power to dispense with all Penal Laws, than to have the Preheminence of the Subjects in some particular cases only: That he has it not in all originally, is plain from that of Appeals; for in case of Murder, the Appeal, at the fuit of the Party, was to be tryed before the Indicament, which was the King's Suit; and this was fo till Henry VII's time, when it was alterd by Act of Parliament : and this carries in it a great probability, that there is something in England that is his Superiour; but Bracion and Fleta fay, That Rex babet Superiores in regno, nempe Deum Legem & Parliamentum.

Nay, the Cuftom of the Mannor shall bind the

King.

Statutes to prevent Fraud (hall bind the King.

The King cannot give the Penalty of any States to any Subject; he cannot pardon a common Nusanee: how manifestly preposterous is it then to suppose, that the King can dispense with Penal Dddd Laws,

Laws, and is restrain'd in these and multitudes of other things of the like nature? It has always been taken for Law, that where the Subich has an Interest, the King cannot pardon, and therefore he cannot pardon one found guilty, upon an Appeal at the Suit of the Party : But if he can dispense with all Penal Laws, he may also pardon where the Subject has an Interest, and so consequently diffense with all Laws whatever, and then no man's Title to his Estate is good, nor can any man fettle his Ettate fecurely, for Fines and Recoveries being now the means afed in Settlements, and those being directed by particular Acts of Parliament : if therefore the King, for some particular necessary Reasons, shall think fit to suspend those Laws, all the Settlements in England will be strangely confused: and of how excellent a use, upon occation, it may be to dispense with those Statutes which direct Fines and Recoveries, is very easie to comprehend.

Now, this power of dispensing seems to be of a very late date, for Fortescue, who wrote in Henry VI's time, tells us, That the Kings of England cannot alter nor change the Laws of his Realm at his pleasure: and the reason he gives of it is, because he governs his People by Power not only royal, but also politick; which is by such Laws as they themselves desire: and gives a very pregnant Reason why the King cannot alter nor change the Laws, because the Laws of Men are holy. And he shews likewise, That this Restraint is no diminution to his Power, but does rather aggrandize him, it being a greater power in a Prince to he restrained by Law from oppressing, than to have an absolute regal

power.

Necessity is a very extensive thing, unless it be sented to the Common Good, and to be also such, that it is observable by the People; for otherwise ill Pretences will never want a Necessity for any Inegularity that they have an inclination to commit it; and so it will prove the Handle for all the Evil that the Wit and Malice of Devils and Wicked Men can invent, or which shall be committed under the Sun: And this alone will serve to make the Power of Princes nearer to that of God than any other thing whatever.

The diffensing with the Laws on pretence of necessary Reasons, was sufficiently laughed out of countenance in the case of Ship money, which carsied a more probable shew with it than the necessity of dispensing with the Laws, to let Papists into Office; for in that of Ship-money, the Mattery of Necessary was so palpably unfolded and discovered, that it's strange the same Trick should be played again so soon, whilst the Memory of it is yet

freth.

It may as well be pretended, that what is done for the take of some sew particular persons is for the Common Good, and to pretend it's necessary to dispense with the Penal Laws to let Papists into Office; for the Laws to keep Papists out of Office, were made upon the greatest Reason that could be, for by resuling to take the Oaths, (which are but a reasonable Security to the Government) they do render themselves more than suspicious, that they look upon themselves to be under another Jurisdiction, but by their frequent Plots and Conspiracies they have made themselves the declared Enemies of the Government, for they have been the Authors of all our Ditturbantors of all our Ditturbantors.

ces, and the Fire that has lighted every Flame that has broke out in this Nation. And therefore it's highly reasonable that they should have no place in the Magistracy, and the Government is very tender towards them, that it suffers its professed Enemies to have any Benefit under it: And therefore to dispense with the Laws that Papists may be let into Office, if this Necessity is justifiable, then may also any other that can be thought on to serve a present turn or occasion.

Government and Law, says Plato, is to preserve the buge and undigested lump of a Multitude, and to bring all Disorder into proportion, so as to become an

Harmony.

And Aquinas fays, It is a rational Ordinance for

the advancing of the Publick Good.

Government, says another, the end of it is to protell both King and People from Wrong and Violence.

Justitiæ fruendæ cansa reges effe creatore, says

Bodin.

All others who have written of Government, or given a definition of it; do concurr with the sence of these that are quoted, the sum of all which is this; That the end of Government is for the Common Good of the several Societies of Men; and therefore what is not for the Common Good is repugnant to the Government: so that if a power to dispense with Penal Laws be not for the Common Good, then cannot the King of right pretend to it, which it cannot be, because it manifestly tends to alter the Government, and to give up all to the will and pleasure of the King.

Obj. But, fay forme, the Power of diffenfing with

the Penal Laws is not a Truft.

But that will be denied till one of these three

bings can be proved :

First, That the King of England has begotten all his Subjects, and so they are all Princes of the Bood.

Secondly, That God Almighty, in Holy Writ, has fet down what form of Government every People in the World shall live under.

Thirdly, That this Government is exactly accor-

ding to that Model in Holy Writ.

That a King begot all his Subjects, is a thing never yet heard of, no, not so much as in a Romance.

The greatest Divines that have been could never yet find, that any fort of Government was fet down in Holy Writ as a Model to the several People that are under the Sun; and the several forms of Government that there are in the World, is an undeniable proof that God left every People, the Jews excepted, to model and frame their Government, as it suited and agreed best with the Humor and Disposition of the People who were to live under it : and therefore it will follow, that the People of England did frame and chuse the Laws and Constitutions under which they were to live and be governed by , and therefore it is undeniable, that what Power soever the King can claim by Law, is a Truft invested in and granted to him by the People; and if so, it cannot be supposed that they would give him fuch a power, as to leave it to his discretion to dispose of all they had as to him should feem meet, for thereby they would render themselves as ridiculous as Solomon's foolish Woman, who pulls down ber House with ber Hands: for Fortesche fays, That no Nation did ever Dddd 3

of their own voluntary mind, incorporate themselves into a Kingdom, for any other intent, but only to the end that they might with more safety than before maintain themselves, and enjoy their Goods from such Minsortunes and Losses as they stood in fear of; for no such power surely could have proceeded from them, Fortelc. 34. But suppose that the People had given the King such a power, yet it being repugnant to the Common Good, it seems to be void of it self; for our Lawyers says, If the King be deceived in his Grant, he may revoke it. If then the King may do it when it concerns some trivial thing à fortiori, may the People revoke their Grant, if deceived in so high a point as their All?

But further, in this Case of dispensing with Penal Laws, as it violently tends to give up all to the King's will and pleasure, so if all were at his dispose, set in regard that it does not answer to the end of Government, he cannot pretend to it; for the way of governing must be both right and clear, as well as is the end: but how that will appear in dispensing with the Laws, is as dark as a

Beggar's Pedigree.

For Lex fecit regem; A King is given for the Kingdom, and not the Kingdom for the King, says St. Thomas. And Fortefeue says, In a Body-politick the intent of the People is the first living thing, having within it Blood. That is to say, politick Provision for the Utility and Wealth of the same People, which it dealeth forth and imparteth as well to the Head as to all the Members of the same Body, whereby the Body is nourished and maintained. And he says further, That a King who rules by Power politick receives his Power from the People.

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feetien; the it be great, yet that Discretion of be guided by Law, for Discretion and Law be concernitant, and the one to be an Accident Grable to the other. P. 21. Treat. of Bail.

The Saxons, from whom we derive our Goand Badges of Freedom, feemed in the original constitution of it, to with the utmost forelight guarded thole A-Absoluteness, being sensible and growing wife the loss of their Neighbors, that Kings are too mee to encroach upon the Peoples Rights, therethough they yielded him a fort of Subjection the advancement of the Common Good, yet took all the care the, could to prevent being . sem'd by his Will : for Dion faith, That the aple held the Helm of Government in their own And another very good Authority fays, lost the Saxons were a free People, govern'd by made by the People, and therefore called a free Ruple, because they are a Law to themselves: Which Fortescue, p. 26. does confirm, for he fays, that a People govern'd by power politick are ruled by Laws as they themselves defire. Therefore, atall this, to fay that the King can diffense with Penel Laws, and confequently with all Laws, here is nonsence in one of the two, yet surely it light upon that which is without prefident, Bucher than upon that which may be justified by hat which has paffed for Law till within thefe months. Nothing feems more unnatural than this power of diffenfing with the Laws; it thwarts the Law of Nature, and the Dictates of of prefervation, and bespeaks our Forefathers to bs Dddd 4

be a company of Madmen, rather than men incorporated together for the mutual conservation

and good of each other.

Now, that which gives as great a blow as any thing to this Opinion, is the place whence the Judges would fetch this power of diffensing; not from Presidents, and a constant exercise of it, but from a dark obscure Original, to perplex and not explain their Resolution, to lead People into the dark, and not to make it clear to the Understan-

ding.

The Saxon Kings at first were Generals, who received their power and instructions by which they were to act from the People; but the continual Wars occasion'd the constant use of a General, and by degrees he became a settled Officer, and at last gained the Title of King, so that the Prerogative has always been on the gaining, not on the losing hand; therefore there remains no Pretence of any higher power in the Crown, than what has been exerted by this and the late King; and if there be any ancient Remains of Power, it's what of right adheres to the People, because they are the Original Power, unless the King or the Government come immediately from Heaven.

But if this unbounded Power had been originally in the King, yet it cannot be so in him, but he might part with it, unless the Power of a King be advanced above that of King of kings and Lord of lords, for God Almighty is tyed up and bound by his Word, and having once given it, he cannot

revoke or gainfay it.

#### PRAYERS

WHICH

# His Lordship Used in his Family.

H most gracious and merciful Lord God, thou only art God, and there is none besides thee: thou wert and will remain to all Eternity, the fame yesterday. and to day, and for ever, for in thee is no alteration, nor shadow of changing; thou stand'st in need of nothing, because thou art infinitely perfect, and therefore happy in thy felf : There is not any thing that can add unto thy perfection, for as thou dost not stand in need of it, so all other things are unmeet to be compared unto thee : what profit then are all our Devotions that we offer up unto thee? and, what art thou the better for all our Services? no Advantage can thereby redound unto thee, were they void of those Imperfections with which they are attended, for even the greatest Righteousnels that we can boast of, is but as filthy Rags; and yet, O Lord, fo good

good and gracious thou art, that thou art willing and ready at all times to receive them, tho' they are no better; yea, thou callest and invitest us to

come and worship before thee.

We humbly confess and acknowledge that we are finful Duft and Ashes, we were conceived and born in Sin, and have every moment of our lives added thereto many actual Transgressions, both of pmission and commission; we have sinned against clear Light and the Conviction of our own Consciences; we have lent a willing ear to the Enticements of Satan, and the Alurements of our Lufts and Corruption, but have turn'd a deaf ear to all the Calls and gracious Invitations that thou halt given us to return into the path that leads to Life; we have endeavour'd to stifle the Checks of our Consciences, and though we have not been able to blot out the impression and belief that there is a Cond, yet we have too much lived like practical Atheirs, and have walked to loofely and carnally as if there had been no God to whom we mult render an account of all things we do here below, whether they be good or evil; we have finned beyond forgiveness, had not thy Mercy been greater than all thy works, and that thou canft pardon more than we can offend.

O Lord, possess us with a true sence of thy Divine Majerly, make every one of us sensible that we have done amis, let us bewail our Transgressi. ons from the bottom of our Hearts, and make us truly forrowful that we have grieved thy Holy Spirit and duly to confider how ungrateful a thing it is to offend to good a God, a God by whom me live, move, and have our being, and from whom cometh every good and perfect Gift : make us

contrite for all our Offences, and for the future to take up Refolutions of better Obedience, and of walking more humbly with thee; and especially let us avoid all those things, whereby we have brought publick Distronour to thy holy Name, or been an occasion of making others to fin : let us redeem the time by a more exact obedience to thy holy Law, and the remainder of our days to work out our Salvation with fear and trembling, and be follicitous to make our calling and election fare; to that end let us be daily trying our ways, and searching into our Hearts, to discover the Sin that does most casily befet us; and in all we do, still to beg thy gracious affifiance, knowing that otherwife all we do will be in vain, for without thee we are not able of our felves fo much as to think a good Thought, much less to do any good Action : make us fensible how weak and frail we are, and that the Devil is vigilant and diligent to draw us afide from the way that leads to Life; that he is subtile, and knows how to suit his Temptations to our feveral Dispositions and Conffitutions: make us daily to remember our latter end, and the great day of Accounts, and that Reckoning that sooner or later we must every one of us make: let us never forget how short and uncertain our Lives are, that we know not the number of our days; that a time is fet which we cannot go beyond; and that we are not fure of our lives one moment; that as the Tree falls fo it lies; that as Death overtakes us, so Judgment will find us: Therefore let us be so prepared for our change, that whenever Death comes, it may neither furprize us, nor be unwelcome.

Wean

Wean our Hearts and Affections from the things of this World, and fix them upon those that are more solid and permanent: let us see how vain, uncertain, and unsatisfying they are: let us remember that they are only lent, and not given us, and that when they are taken from us, no wrong is done; and therefore so long as thou art pleas'd to allow us the enjoyment of them, let us thankfully receive them, and carefully employ and improve them; and when we are deprived of any of them, let us not repine, but in all things learn and practice a Submission to thy good pleasure.

Good Lord, we beseech thee to bless our King and Queen, in making them ever mindful for what end they were raised to so high a dignity as to sit on the Throne of these Kingdoms, namely, to promote thy Glory, and the good and welfare of their People; let them see that this only is their best Interest, and that nothing can make them so great and happy as by being zealous therein: Let them with their Eyes drive away from their Throne all those that would draw them aside from thy Glory, or the Good of their People, and teach them the things that belong to their Peace.

And be gracious, we humbly beg of thee, to this poor Land and Nation, make it happy in a long and prosperous reign of our King and Queen, let all their Subjects conscientiously do their Duties in their several stations, uphold every man in his Integrity, that seeks thy Glory, or wishes the Good of his Country; let them not be dismaid when they see things go contrary to what they apprehend or wish they should do; let them remember that though there be many Devices in a

Mans

Man's Heart, yet that the Counsel of the Lord that shall stand; that God will bring about his own work in his own way, and accomplish his pleasure in his appointed time, and when that time is come, he will not want Instruments to effect his purpose: and let us learn, that the mission of Man is soolishness with God, for he can take the Crasty in their own Devices: Therefore how-soever publick Affairs may move for the present, let every one of us be diligent in our stations as we have opportunity; let us patiently stand still, and see the Salvation of God, and submit to his

good pleasure, whatever it shall be.

And let thy Bleffing reft upon this Family; lift up the light of thy Countenance upon us, and love us freely: as it is a Family of note and eminency so make it remarkable for sobriety and good order; and as it is above others, fo let it be exemplary for the good Conversation of every Member of it, and thereby give occasion to others to gloritie thee our Father which is in Reaven : Let us all be disposed to do that which is good and acceptable ; let those that are to intiruct others be careful to walk suitable to the Precepts which they teach; and those that are to learn, let them be enclined and willing to receive Instruction: Let us all do our Duties faithfully and honeftly, not with Eye-service, like Brutes, but as Rational Creatures, that know how to chuse the good and refuse the evil.

And visit with thy Mercy, we beseech thee, all the Sons and Daughters of Affl. Ction, relieve them according to their several necessaries, lay no more upon them than they shall be able to bear, sandifie thy Hand to every one of them, and in thy good

good time put an end to their Sufferings: Let thy Gotrection be that of a loving Father, for their amendment, but not for their destruction; and sanctifie all thy Visitations to us in particular: Let us not repine at thy good pleasure, if thou with-holds any thing we want, or deprive us of any thing we already possess, let us still say, the Lord is righteens, but we are less than, and unworthy of the least of his Mercies, the Lord gives, and the Lord takes away, and blessed be the Name of the Lord. Make us of a holy and humble Temper; let it be our chief care to glorisie thee, knowing that those that love and fear God are sure to want no good thing, which he finds to be meet and convenient for them.

Teach us, O Lord, to order our Conversation aright: Let us daily press after the price of the High Calling that is in Christ Jesus, so that at the last we may attain to that blessed place of Rest, where we shall have no more Want or Sorrow, but to all Evernity sing Praises and Hallelujahs with the Father, Son, and Holy Ghost; to whom for ever be ascrib'd, as is most due, all Honour, Glory, Might, Excellency, and Dominion, both now and for evermore. Amen.

OH Eternal Lord God, thou art holy, just, and upright, and of purer Eyes than to behold Iniquity with the least approbation, how then shall we dare to presume to list up our Eyes or Hands unto thee, which are so tull of all manner of Desilement and Uncleanness? Our ways have been perverse and crooked before thee, and the Thoughts and Imaginations of our Hearts have

been evil, only evil, and that continually; with the ungrateful Lepers we have neglected and forgotten to return thee praise and thanks for thy Mercies and Benefits, which thou with so open and plentiful a hand hast bestowed upon us: We have not been eareful to improve, to thy glory, the opportunities and talents that thou hast put into our hands; we have forgot our vows and ipromises of better obedience, have dealt deceitfully with thee in thy Covenant, and started stide like a broken Bow, by all which we have sensetted all the right and title that we might otherwise thave laid claim to in thy savour, and have rendred our selves the objects of thine eternal weath

and displeasure.

But thou, O Lord, who hast declared thy self to be a God pardoning Iniquity, and to delight in Mercy, not willing that any should be damn'd, but that all should come and be faved, regard us, we befeech thee, not as we are dead in Trafpaffes land Sins, but look upon us in and through the Merits of our Saviour Christ Jesus, who has paid 4 Sufficient price for the Offences and Transgreffions of us and of all the World, having redeemed us by his most precious Blood; give us such a fleddy Faith in him, that we may with confidence approach the Throne of Grace : oh, pardon our Sins, and do away our Offeres for his fake : we acknowledge we have offended, and done that which is exceeding linful in the light, yet be not extream to mark what we have done amis, and enter not into Judgment with thy Servants, but in Mercy confider whereof we are made, and remember that we are but Dust encompass'd with Frailties and Infirmities, and so prone

prone to Evil, that of our felves we are not able fo much as to think a good Thought; therefore cleanse and purific us both in Body and Mind, that we may be able to do that which is acceptable in thy fight: take away the reigning power of Sin, that our Wills and Affections may be brought into obedience to the Law of Christ; and let the time past suffice us to have wrought the will of the Flesh: raise up our thoughts and defires Heaven-wards, and convince us of the emptinels and vanity of these sublunary Enjoyments, that we may not be drawn afide by them: let us use this World as if we used it not, and confider it but as a Paffage into Eternity : let us ever be mindful of the Snares and Temptations that lye in our way, and that the Devil, as a roaring Lyon, walks about continually seeking whom be may devour; that he is crafty and subtile, and knows how to fuit his alurements and wiles to the temper and inclination of every one of us : give us Grace to relift him, and Power to withfland and conquer all his Devices: strengthen us with Grace in the inward man, that we may be able to prefent our felves before thee at the great day of account, holy and acceptable in thy fight.

And to that end let us be dail / searching and trying our ways and doings, that we may find out our weaknesses and infirmities, and discover the Sin that does the most easily beset us, and then let us meekly and earnessly beg thy gracious affishance against them; and be thou found of us, we humbly pray thee, oh most merciful Lord God.

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is be daily making an even reckoning with Bepentance, and let it be fincere, and the fleart : convince thou us of the danger late or Death-bed Repentance : make us did of our fort and uncertain flay and abode let us be ever mindful that the young dyes well as the old, the healthy as well as the died: let us not prefume upon our Conftitution Youth, but remember that the time of our detime is fet, and that after death there remains more atonement for Sin. Therefore, O Lord, entreat thee to make us wife unto Salvation, at at what hour loever the Master comes, we my be found doing his Will, and then receive Reward which thou hast promised to those thom thou shale find so, doing.

Look down in mercy upon this poor Nation, percent those Judgments which our Sins and ranferestions have called loud for against us, and wethy Face to thine upon us and to that end e merciful to the King, that he may fee his true interest, and let all his Deligns and Consultations directed to the advancement of thy Glory and etting the Peace of this Land: let no weapon med against this ancient Government prosper, turn the deligns of all those who have Evil our Sion, upon their own Heads with shame and comfort of those who wish her well: and to thole whom thou shale call out to have a share in the administration of affairs, give them Underfanding to fee what they ought to do and fay, and Courage to reveal what thou shalt put into heir Hearts, and do it with an honest and upright mention, that they may have cause to hope for Eccc

thy Bieffing upon their Endeavours, and let us all leath to fear thee, and in our greatest difficulties to look up unto thee, and not to depend on an Arm of Fieth make us a People zealous of good works, and let Holinels to the Lord be engraved

upon us.

And bless us also of this Family, all those that are related unto it, and those for whom any of us may be in a particular way concerned for: give us Grace to walk humbly and with obedience before thee; let us in our several employments and stations study to do our duty conscientiously, setting thee before us in all our Actions: add unto us the good things of this Life, bless our Basket and Store, and so thankfully receive and carefully bestow them, that they may be Blessings and not Snares to us: let us, whilst we are here, live to thy praise and glory, and be such eminent Patterns of upright living, that others seeing our righteous conversation, may also gloriste thee our Father which is in Heaven.

And remember, we befeech thee, all the Sons and Daughters of Affliction, vifit them with thy Kindnels as their feveral wants and necessities do require, support them under thy Hand, lay no more upon them than they shall be able to bear, and let the chastifement of their Bodies turn to the health of their Souls; and enlarge thou our bowels and charity to every Object that needs it, let us give withour grudging, and bless thy Name

that we are not in their flead.

And now, O Lord, from the bottom of our Hearts we return our praise and thanks for all the Mercies and Favours we have received at thy hands, we acknowledge, that we are unworthy of

least of them, and have not been sensible of edications to thee : but, oh Lord, as thou haft erto conferr'd them upon us, without any at on our part, lo we beleech thee to continue to us, for thy Son's fake Jefus Chrift: and defire, at this time in particular, to offer up tribute of Praise and Adoration for thy unestable goodness to several of this Family, in at thou halt deliver'd us from those Fears and chenfions we had concerning them; Death end to threaten them, and the Grave ready derous them, but bleffed be thy great Name, he didit rebuke their Distemper, and hast given much hopes of their perfect recovery; thou wert the needful Help in time of trouble, and let a learn by this to look up unto thee in all our diffreffes.

Take us this night into thy protection; let no Leil approach us, but let our Beds be places of cale and of refreshment to every one of us, and raile us up in the morning fitted for our several Callings and Duties. Hear us, O Lord, and answer us not according to our demerits, and unworthiness, or coolness in asking, but according to thy love in Jesus Christ: to whom, with thy self and Holy Ghost, be all Praise and Advantage, both now and for evermore. Amen.

Ecce 2

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### These following were some Occasional

Racious God, who out of thine infinite Infinite Infinite Infinite Infinite Infinite Infinite Information Into thy presence, and to make our Supplications unto thee, possess us, we beseech thee, with such a sense and dread of thy Divine Majesty, that our Thoughts may be so entirely intent upon the service that we are now to perform, that it may be well-pleasing to thee; and let all our Oblations be now and ever acceptable in thy sight, O Lord, our Strength and Mighty Redeemer.

Racious God, who hast made it our Duty, as well as our Interest, to draw night free, assist us, we beseech thee, in these our Supplications and Prayers, which we are now about to put up unto thee, and let all our Devotions be now and ever acceptable in thy sight, O Lord, our Strength and Mighty Redeemer.

day, in that thou hast permitted us to hear thy Word read and preach'd. Grant, O Lord, that what we have heard may fink down into our Hearts; and assist us, we befrech thee, to endeavour to practise it in the remaining part of our Lives; and let it be the savour of Life to every one of us, and not the savour of Death to

my: continue thy Gospel amongst us, and let the cloud of Superstition or Idolatry overthe darken these Realms.

Affe as up in the Morning prepared for the Daties of the day enfuing; let us fix our months upon the great and hely butiness of that day and not hastily rush into thy presence till we have deliberately thought upon what we are to do let us come in meekness and humility, that we may hope to meet thee in thine Ordinance, and be fent away with a Blessing. Hear us, O had, and answer us not according to our dements and unworthiness, or coolness in asking, but according to thy love in Jesus Christ; to whom, with thy self and the Blessed Spirit, be all Praise and Adoration, both, now and for evermore.

P Aife us up in the Morning fitted for our several Duties and Stations, and such of us are design'd to undertake a Journey, go along with us, and preserve us from those dangers and accidents to which we are then more especially exposed: guide us in our way, and return us in since and Sasety, and let us all at last meet in thy Kingdom. These and all other thy Mercies we beg, for the sake of thy Son Christ Jesus our lond and Saviour; to whom, with thee and the sloty Ghost; be all Praise and Adoration, both now and for evermore.

Amen.

And

A N D we bies thy great and holy Name has thou hast brought us back again in Peace and Safety to this place: through thy great goodness we were preserved from thousands of Accidents to which we were then more especially exposed. Let us ever be mindful, we beseech thee, of thy Goodness, and endeavour to walk worthy of thy Mercy and Protection,

A Ccept, we pray thee, our Thanks for thy little Servant; we acknowledge thy Goodnefs, that he is in so good a way of recovery; and bless the Means that are used of recovery; perfect, we beseeth thee, the good work that thou hast begun, and save his Life, and let him live to be a good old Man; and let us all learn to see how frail we are, and that in thee we live, move, and bave our being.

W E desire at this time in particular to offer up our Praises to thee, for the safe return of thy Servant after a long Absence and tedious Journey; great are our obligations to thee, that we are again met together, and see the Faces of one another with so much comfort: thy Goodness has notably appeared in rettoring several of them to their health, who were so near the Grave: it was not for any Righteousness or Desert in us, that thou hast dealt thus graciously with us, but thou art merciful because thou wilt be merciful. O teach us, good God, hereby to

the thee better, and fear thee more; and let us to walk worthy of all thy Kindness, may not repent thee of the Good done unto appervants.

Servant to this place; let thy Goodness be fanctified to us, and enable us to express our Thankfulness by an upright and obedient walking before thee.

And as for him, as he is like to be a great, so make him a good man, give him Grace, that he may remember his Creator in the days of his Youth; let him sear God, and eschew Evil; give him a true Zeal for thy Glory and the Good of his Country, and make him an eminent promoter of both: Let him walk closely with thee all the days of his life, that after he has accomplished a good old age here, he may then be received into Abrabam's Bosom.

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fore the botton, and for the order; and he us endeavour to walk we'de of all thy Kindnell, that the may not repent the of the Good done unto it y Soevants.

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my felf for much to your fadstackion as calght be hoped, and I could dealer vy natt make to fay is not to fail foul apossure under a test to for I deal't define to fit bearing

poder a contract than is accessary; so I would, if

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### Two Last Reigns.

Thaving been usual, upon these Occasions, as for the Bench to say something to the of Grand Jarry. I am apt to believe it may as be expected at this time, since it is very probable, that many now present came

what is given in charge to the Grand Jury, as to see what fort of men would fit upon the Bench.

When I obtain'd the King's Leave to come home, I did not expect to have met you here, lo that I have had very little time to prepare for this Undertaking, and therefore fear I shall not acquit

my felf fo much to your fatisfaction as might be

hoped, and I could defire.

what I have to fay is not to fall foul upon any under a Cloud, for I don't define to fit heavier upon any man than is necessary; so I would, if possible, prevent unreasonable men from setting

their Feet again upon our Necks.

I need pot tell you, that we were lately upon the Brink of Definition, now fay any thing to aggravate the matter, to make you sensible of the Condition we were in; but perhaps many of you may have forget, or are not throughly informed how long and by what methods the Design was carried on; and to that I will apply my Differents.

The Design of extirpating our Religion and Liberties is of a much anciencer date than the Reign of the late King James, for he took up the matter as others had left it, and gave the finishing stroke to that of whilch there was blokent Symptomes very early, in the Reign of K. James I. but being under a necessity of doing every thing obliquely, and by a side wind, till the time of thing chastes II, it would take up more time than an now be spaced, to explain the manufaction of those their individuals and therefore I only observe to whole that the state of thing Charles the Second.

That King had no looner fet his Foot again on English Ground, but the design of depriving us both of our Religion and Liberties appeared, tho in dispire, and in a thort time had made a great progress, through the favour of that king, who affilted it all manner of ways, as well by Remarks of Favours, fo that at last it became a Test upon

all

all Persons that would be preferred or employed, their Inclinations to serve that Interest being more begarded than their other Abilities or Qualifications; but whether King Charles therein follow'd his own inclinations, or was supposed upon in what he did, I will not now enquire further, less I should be thought to take too far into the Assess of the Dead; and therefore I will leave other People to judge, whether he that understood all other things to well, could be so very grossy imposed upon in this, or that he could be over reached by his Brother, whose Intellects were so much intersour to his.

Thus, by the alurement of Preferment and Employments, they did hope to draw in many Protefants, to lend their belping band, because without their affiftance they could not carry on the Work; and though Employments could not be had at any other rate, yet the Loofeness and Debauchery that had then overspread the Land, to which the Example of the King had not a little contributed, had prepared a fort of Men to take Preferment on those terms; and the more effectually to do the Bafinels, they were to carry it on under the disquise of Layalty and the Church, for with thele they varnish'd over all those unreasunable shings that were imposed upon us; and indeed the Tools work'd very keenly, for as their Zeal was without Knowledge, fo they went on at that furious senseless rate, as thereby they quickly gave all thinking Men to understand, that the Church and Government that was to be here establish'd, the one was to be Supported by Persecution, and the other by Force.

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But

that I may open this matter more elearly. I must oblerve, that the force of all their Enderpoors freem'd to tend more especially to see up
depitrary Popper; and the reason of it was, because if they areain a that they were certain to
carry the other: and in this they follow d the method that has ever been taken to introduce Popery: for if a People are once made Slaves, it's eatie to impole any Religion upon them: So that If we can keep our felves Freemen, we need not fear

the loss of our Religion.

Now, they could not think of any way of raifine the Prerogative to fo high a pitch, unless by aluring fome Body of Protestants to go on blindfold with them in their defign; and to that end they pitch'd upon the High Church Party, believing if they were practifed in their Revenge upon the Diffenters, they would not much examine the con-Requence of what might be defired by the Court.

And accordingly this Traffick betwint the King and that Party was first transacted in Parliament, where, for every Severe Law against the Diffenters, the Church Party gave the King either a Limb of our Liberties, or a good Additional Revenue, or a confiderable Tex. And thus they drove a subtile Trade till the Delign grew a little more barefoed, or lome of that Party proved more bonest than was expected, whereby it became impracticable to carry on the matter further in Parliament. And to at Oxford the King took his last Farewell

Having thus shak'd hands with Parliaments, he then tryed what he could do by Rewards and Terrors, turning out of all Commissions and Emplayments fuch as would not comply, and filling up

their

their rooms with Men of a contrary Complexion, thereby gratifying the Ambition of some and the Avarice of others, by reason of which there sorting up a sort of Men that were distinguished by the Name of Tories, whose Principle it was to serve the King without asking a Question; which is as much as to say, They were oblig'd to do every thing they were commanded.

These were the Men that brought on Addresses, Loyal Tory Clubs, and Presentments, and were the chief Promoters and Infruments in taking away Charters, which struck at the very Heart of the

Government.

And I cannot but with amazement remember, how by their Addresses they courted the King to make them Slaves; and when they had a New Charter upon the surrender of the Old one, with what demonstrations of Joy did they receive it, as if it had been their Glory to put on Chains, and at the same time reproaching every man as disaffeded to the Government, who would not consent to give up the Rights of other People, or sacrifice the Government.

by Sham plots against the Protestants; and to have the better effect of them, new Constructions of Law were, invented, whereby many worthy Patriots

fell.

Whilst these things were transacted, the Penal Laws were violently put in execution against the Diffenters, but the Papists went seet free; na, even those very Laws that were made against them were turn'd upon the Dissenters, and whenever there was any seeming Prosecution of the Papists, it was only to have a fresh Pretence to fall upon the

Different, for the Papilts were by particular Order flow over. Thus the pulling at Different became the Characteristick or Make of a true Son of the Church of England; for if a Man were violently bent against them, he was a good Son of the Church, though his Immerality and Debauchery

had made him a Reproach to any Church.

After all this, the Clergy brought up the Rear, with their Doctrine of the Divinity of Kings and Non-refiftance, thereby to give a Sanction to all the rest, which reduced the matter into a very narrow compals, inferring from thence, that the King bas as natural a Right to our Allegiance, as we have to the Obedience of our Children, and that under the pain of Damnation he was not to be disobey'd.

It's strange, that Doctrines, the one to destru-Clive to the Right of Kings, and the other to inconfiftent with the Nature of Government, should obtain to much, had not the Higher Powers supported its Credit; for that Patriarchal or real Right dethrones all the Kings on the Earth but one, and leaves the World at a loss in the rightful Heir of Adam; for there can be but one at the same time that can claim as Heir to Adam, and confequently all the reft of the Kings are Usurpers : And here they are in a Wood themselves, for they can no more tell you who is not the right Heir to Adam, than they know who is. Now, thould any one tell me, that my Estate was more considerable than I apprehended it to be, because I might turn out all my Tenants that held by Lives or Years, but that withal it was five hundred to one that some body else had a better Right to it than I have; perhaps I might thank him for his Information, but at the same time wish my Estate were

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less, and my Tirle to it better: Even as little are Ricks beholden to them who perfivade them to that the Tirle that the Government gives them to the Crown, to feek for a better, as claiming under Adam, whereby they may be more at liberty to act by their will; for if he thinks his best Title is by Defeent, then it's possible that one of his Subjects may have a better Right to the Crown than himself. As it fell out with William the Conqueror, when Edgar Ethling, who had a clearer Title by

descent, (wore Allegiance to him.

As to the Doctrine of Paffive Obedience and Nonrefiftance, there is nothing is fo neat an Emblem of it as an Af, and nothing founds nearer to Non-fence; for if in any thing I have a Right, to deprive the of it either by Force or Frand, must be confes'd to be a Wrong, and Wrong Implies a Right to defend; and therefore the Law calls every man's House his Caftle, and his Goods his own: Nay. even bare Poffestion is a good Title; but if I may not defend thefe, I have no Right to them, and if not in them, I have as little in my Person or. Life. But I am perswaded, that they who set this Dodrine on foot, at leaft the greater number of them, who have been instrumental in propagating of it, either did not understand it, or else helped it forward in hopes of being well rewarded for their Pains ; for it is found b/ Experience, that they understood the Practice of it very ill, for when the Bishops were clapp'd up in the Tower, none cried out so much against King James, and arraigh'd his Proceedings, to much as they that had been the greatest Afferters of this Dodeine.

But to make this a little plainer, I would only ask them this Question, that is, What is the man-fare of our Allegiance or Obedsonce: for it is either the King's Will, or the Law; and the first point of Obedsonce is, to know the Will of the Lawgiver , and therefore if they lay it is the King's Will, I do prefure to answer, That cannot be the Measure of our Obedience, because of the uncertainty of it: and, aly, Because he may command contrary things, which Rational Creatures cannot be bound to in point of their Obedience. If then they fay it is the Law, then it will follow, that the Power of the King is limited, and when he exceeds the Limits, he assumes a Power which neither God, Nature, nor the Government invested him with; and therefore of right he may in fuch Calcs be refifted.

The Point is very short, either the King is limited in his Power, or he is not, for there is no middle flate betwixt Slavery and Freedom: If the King is not limited, then are we as much under the Subjection of his Passions as his Reason; but if he is limited, then It is the Law that fets him his Bounds, and the exercise of any Power, beyond what it allows him, is unlawful. Neither can it be suppos'd, that God would subject the World to the Will and Passions of particular Men, because it is inconsistent with his Mercy and Justice. The Will of a King is a wild uncertain thing, and a very falle Guide to follow in governing his People; but to make the Law the Measure of all his Adions, and the Welfare of his People the end of all his Publick Defigns, is that alone which will make a

King of England Safe, eafie, and powerful.

There is one thing more that I would explain been, and that is the difference betwixt the Guarment and the Administration of the Governfor I am perswaded that several Paople been infnered with the notion, that they were me and the fame thing. I believe I need not tell you that a Truft and the execution of it are diftind things; and I may tell you, that the difference is no less betwint the Government and the Adminifration of it; for if any thing be done that is not dieded by that Truft, it is the Act of those that did it, and not of the Truft. In like manner whetever is done that is not directed by the Law. it cannot be charged as a Fault upon the Govern-But in the two late Reigns every thing that was done, though never fo unjust, unreasonable, a without President, was called the Government. Whereas the Government or Law (they are the (ame) is a known certain thing, not commanding one thing to day, and the contrary to morrow; it requires that equal right be done without respect to Persons, and regards the Publick Good above any thing, and has so attemper'd Mercy and Justice, s to proted the Innocent, and punish the Guilty.

But I need not tell you how contrary to this was the Methods and Pradice of the two late Reigns; to convince you, that all was Force and

Violence, and not the Government.

Being thus encourag'd by the Addresses of the Tories and the Dodrine of the Clergy, King Charles Went on at a good rate, especially in the latter part of his Reign, and the Irregularities of those times may well in a great measure be charg'd upon them; for, it's possible that it had never come But very probable, into King Charles's Thoughts. Ffff

he had not adventur'd to carry matters so far, if he had not been so invited to it by them: And his Brother the Duke of Tork could not but smile in his Sleeve to see him so industrious in preparing his way to the Throne; for when King Charles died, he had carried the matter so far, that he could go no farther, unless he did downright declare himself a Papist; but whether he died a natural death, or had foul play, I will leave that to be determin'd by every man in his own Thoughts; only thus much I must observe, that manifest Symptomes of Poyson appeared on his Body, and matters were then so laid, that it was necessary to have a Popish Prince on the Throne.

His Eyes being clos'd, the Duke presently shew'd how great an Affection he had for his Brother, not only in the great haste he made to interr him, but also by the rest of the Treatment he gave his Body; for if you had the History of it, you would say they gave him the Burial of an

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And now his Brother being got into his place, he quickly pulled off the Vizard, for he had not the discretion to dissemble the matter for a short time, but out of the depth of his Politicks in a Tew days went publickly to Most, Fools being always more positive than men of better sence, and Cowards most insolent when they have the apper band; for he thought he had the Nation in a String.

But though this was very plain above board, yet the Clergy and Tories to little regarded it, that with great Zeal they address'd to congratulate his accession to the Throne, as if God in mercy had taken are sy bin Brother to make room for him.

He had no sooner thus publickly made profession of the Romish Faith, but Mass was said openly in other places, and in a short time Popish Chappis were erected in several parts of the Kingdom. To this he added a great Army, who lived in a manner upon Free Quarter, committing all manner of other Insolencies, and no Redress could be

had upon any Complaint.

But all this did not abate the Loyalty of the Torier and Clergy, till after the defeat of the Duke of Monmouth in the West, upon which he not only put in Popish Officers, but told the Parliament to their Face, that he had so done, and was resolv'd to promed: and he was as good as his word, for he made Popish Officers Justices of the Peace, and Judges, upon which Loyalty began to decline, for they sell away from him every day more than other. But he stopp'd not here, for that he might disabling the Tories and Clergy, as well as he had the rest of the Nation, the Papists excepted: he set up the High Commission, and then the Declaration of Indulgence, and for resuling to comply with it, he clapp'd up seven of the Bishops in the Tower.

is due to that Action of the Bishops, yet give me leave to say, the Merit of it is not so great as many have cry'd it up to be, for they refused to read the Declaration more out of Self-Interest than out of regard to the Publick, otherwise why did they not refuse to read the Declaration of Charles II. upon his dissolving the Oxford Parliament, which shock more directly at the Heart of the Government than King James did, yet not one Bishop resided it, and accounted every one disassected to the Government that did dissible it. And that which surther prevails with me to be of this Opinion, is,

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It would be endless to run through all the Particulars of King Fames's Exorbitant Reign, but in short, he had turn'd the Government on its Head, and was resolv'd to set up Popery, instead of God's true Worship, and his Absolute Will and Pleasure in the room of the Law, and had fully accomplish'd his purpole, if God had not sent us a Deliverer, by whose assistance we thrust him from the Throne. For having broke his Coronation-Oath, and the Condition upon which he receiv'd the Crown, he thereby lost all the Right of Swaying this Scepter. And by a just and real Authority, with which the People of England are invested upon such occasions, has the Nation, by a full and free Confent, placed King William on the Throne, who, I trust, will be the Repairer of our Breaches.

How then ought we to rejoyce? What cause have we to be thankful for such a supendious Change, when we had nothing but a scarful looking-tor of utter Ruine? we now enjoy the Protestant Religion instead of Idolatry, and a just and equal Government instead of Slavery; and all this brought about without the expence of Blood.

So that I stand amaz'd when I hear of any that are for recalling the late King James; if there be any such, I hope I shall not be accounted severe if I wish they were with him, for I think it would be best and safest for them and every body else.

Can any Man be so senceless as to defire to set that man over them again, who had once destroy'd their Religion and Liberties, and had justly forfeited his Crown by Male Administration; for when the

King denies his Protection, the People are discharged of their Obedience to him, because the Obligation of Protection and Subjection is reciprocal. Nay, I may presume to say, that the People have a greature Right to be well govern'd than any King can have to his Crown; for their Right of being well govern'd was first in Nature, and secondly, it is necessary to the being of Mankind; but so is it not that this or the other man be on the Throne, not even the form of the Government it self, for that fort of Government is most necessary that is best for the Common Good.

We now fit safely under our Vines and Figtires, and every man may Worship God without being bawled to a Goal, the Bone is taken away that the Papists used to throw amongst Protestants to set them together by the Ears. And truly, it was always my Opinion, that it would never go well with England till every man might worship God in his own way. And this being thus happily accomplished, I do beg your permission to offer

my Advice, which is this.

Common Enemy, and forbear all Distinctions and Revilings, though we may differ in some things, yet tet us neither reproach him that goes to his Parish Church, nor be scandaliz'd at him that goes to his Parish Church, nor be scandaliz'd at him that goes to it Barn: let no man be offended at a Liturgy, or set Form of Prayer, nor think extempore Prayer is inacceptable its God; every Tub must stand on its own bilison, therefore let every man be more careful to mind and mend his own Failings, than to observe the Faults of others: let every man live up to the Doctrine he prosesses, and sincerely act according to his Principles, and prefer the publick F st se

#### 626 Memoirs of the Methods used, &c.

before any private Interest, and then it will go well with them bere and bereafter.

Thus have I given you my featter'd Thoughts, which I have endeavour'd to put together as well as I could with the foort leifure I have had.

As to the particular Bufines of this day, it would be needless to offer you any Directions, your Oath has sufficiently instructed you, and I suppose most, if not all of you, understand your Duty as well as I can inform you; therefore I will only fay, that whatever is an Offence against the Law

is presentable by you.

Your Country has reposed a great and honourable Trust in you, and I don't doubt your good and faithful discharge of it; only this I defire to recommend to you, That you will not find any Indiciment or Presentment upon Suspicious or flight Evidence; for it is unjust, unreasonable, and may be of fatal consequence to our selves or our Posterity. A Man's Reputation is a precious thing, and no man ought to be troubled unnecessarily : And I do rather give you this Cantion, because it was the Practice of the Late Times, and I hope we shall rather reform their Practices than follow them, and come nearer to the Golden Rule, of doing as we would be done by. But in faying this I don't defign to lead you out of the way of Justice, that any who have offended the Law should escape Punishment. Let the Guiley receive the Reward of their Doings, and the Innosens fuffer no Wrong, and So I will trouble you no further, but to pray

God to direct you in your Bufineff.

Haville Horizont

SOME

# RGUMENTS

To prove, That

# There is no Presbyterian, but a Popish PLOT;

Against the Villany of Informing in 1681.

Will trouble you but with a few words before I proceed to the Particulars of your Charge, and I hope no body of the Protestant Perswasion will be offended at what I have to fay.

I have heard it politively affirm'd, That 80, & 81. is become 40, & 41. That the same Game is now playing that was then. Ffff 4

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If by this is meant, That our old and reftless Enemies the Papilts are now at work; that it is they who at this time are labouring our Destruction; and that they are the Danger that threatens us, I fully agree with every man who is of that Opinion; but if by this Affertion any would infinuate that there is a Plot against the King and Government, carried on by all or any of the Diffenters, belides that Plot of the Papilts, I cannot subscribe to it, because where God Almighty permits me to use my Reason, I cannot believe, but upon clear evidence, and I have not met with any thing that can warrant such an Opinion; and therefore in things of this or the like nature we ought to explain our felves very clearly, left by leaving the matter under a doubtful confiruction, we may (against our intention) cast an Imputation upon them who do not deserve it.

I am apt to believe, that he who is most ffrongly possest with the Opinion, That the Diffenters have formed a Plot against the King and Government, will not adventure to justifie it before His Majesty and a Parliament, and certainly that Opinion which will not abide the Test of the King and Parliament, is not much to be valued: But he who believes that there is a Popish Plot, for the taking away of His Majesty's Life, ( which God long preferve) and the altering of Religion and Government, may avow his Opinion to all the World, because he has an undeniable Authority for it, for His Majesty in Parliament, and both Houses, have declared no less: but we do not find that His Majesty, or either House of Parliament has made any Declaration, that they have fo much as in suspicion any other fort of People

who

who are deligning against his Life and the Go-

think it is agreed by all, that this Govern. is the beft in the World, for it gives the King Freregative, whereby he may appear great both at bome and abroad ; and it gives the Subject fuch Right and Property in his Perfon and Goods, that he cannot be deprived of either, without his Confent unles for the breach of fome known Law : and befides, Prerogative and Property help and fupport each other; that is, when they are rightly understood and applied , for the Interest of King and People are as inseparable as the Sun and Light, but when Preragative and Property stand at a diflance, it is occasioned either by overgrown Favourites, who by their Counsels and Adions have render'd themselves obnoxious to the publick, and therefore fo throud themselves from Justice, advice the King to infilt upon fomething as his Prerogative, which tends rather to hurt than preferve his just Prerogative; or elle from fomeambitious refiles Spirits, who burr into the People, that this or that is their Property, which in the end will make their Just Rights to be Felo de fe. And, what cares the one or other of these Makebates, for they are for the most part men of deferate Fortunes, who having little or nothing to lofe, cannot doubt to reap advantage by the publick difurbance?

But to avoid the Evil on either Hand, I think it would be a very good Rule to confider how far what is institted on does quadrate with the Common Good, and if they find that it does not agree to that Rule, then to let it go as a thing that is against their true Interest.

It

It is agreed on all fides, that there is a Plot for to Murther His Majesty, and to alter the Religion and Government, but whence our danger does arise, who is the Common Enemy, and against whom we are to unite, is that which makes the

Dispute and Divisions amongst us.

I take it to be an undentable Truth, That every State or Kingdom must expect to receive the most frequent and greatest Assronts and Injuries from such of their Neighbours, whose Support and Interest does least depend upon them: And every Government must, in reason, expect its Disturbances and Disquiets from such Subjects, whose Interest does least depend upon the preservation of the Government: And though I will not hastily judge any Man, yet when there is a Plot against the Religion and Government, they are with most reason to be under the suspicion of it, who are of a contrary Religion, and acknowledge a foreign furisdiction, until there is very good Proof to charge it upon some other People.

Papits in England, whose Quietness of Temper may make them very averse to give the Nation any disturbance, and I heartily wish they were all such. But when I consider the greater number of them, and the Slavery they are under to their Priests, I must be under an apprehension that they cannot intend us any good, because their Religion is opposite to ours, and they look upon themselves as under another Jurisdiction: but I know that not many years since Popery was a thing of a remote consideration, and that they who declared their Fears of it were (by those who called themselves the King's Friends) accounted Enemies to the King, and

discovery of the Plot has proved their Fears were not groundless, I suppose it is no difficult point to determine who are to be blamed, they who were astaid of Popery, or they who reprehended them so severely for their Fears: for the Proof of the present Conspiracy of the Papills is so clear and evident, that there remains no room for a Doubt, whether there is such a Plot, or no. And, who is not confirmed in this Opinion, since His Majesty and both Houses of Parliament have declared,

That there has been, and still is, a damnable and bellish Conspiracy, contrived and carried on by the Poplin Recusants, for the assassing and murthering the King, for subverting the Government, and destroying the Protestant Religion now by Law establish'd?

Now, can any Man be fo hardy, as to think, that His Majesty would lay so severe an Imputation upon a great part of his Subjects, ( for, God knows, they are too many who are of that Per-(walion) or that the Parliament would pals fo great a Cenfure upon fuch a number of their Fellow-Subjects, without plain and evident Testimony, and fuch as must convince every man but he who will not believe, for by this Declaration they have avowed their Opinion to the whole World. there is one thing which further confirms me in the belief of a Popish Plot, because in some of the Evidence it is declared, That the Papilts never bad Such bopes of restoring their Religion since Q. Maries days, as at this time; for it seems they had prepased every thing to their Hearts defire, if His Maje-By were but out of the way; and how near they have been to effect it, is horrible to remember;

and it's a wonder they have not done it, fince they have not fluck at any thing whereby they might attain it: And if we also confider how many tair Opportunities they have had, we may conclude, that God Almighty has wonderfully preserved him, and may he always have him in his keeping.

- But notwithstanding all this, some do take upon them to fay, That there is no Popilh, but a Presbyterian Plot; I doubt there are too many who account it Loyalty to oppose every thing that the late Parliaments have done, and though there be never to much Reason in the thing, yet if the Parliament had a hand in it, it is a sufficient ground to them to traduce it. But though they are refolved to think amis of what the Parliament has done, yet in the point of the Popili Plot they may allow the Parliament to be in the right, lince His Majesty is of the same opinion, for he that shall oppose his Indement against the Opinion of King and Parliament, must needs tax them with a great deal of rashness and haste in their Declaration, or elfe profess himself to be a Man of a very extraordinary Understanding and Observation, that can see further into the matter than the King and Parliament. If there be any man that is acquainted with this Mystery that is hid from the Eyes of King and Parliament, it is, no doubt, a Duty incumbent upon him to reveal the Sever to his King and Country, that they may bellenger doorfingt to harbour an ilt Opinion of them who are nor blame worthy:

He that can believe that there is no Popish but a Presbyterium Plot, must also believe, that both the Papists and Presbyterians have now changed their

former Principles and Pratiices.

The

The Principles of the Papils are incomparably laid open by the Bilhop of Lincoln, by which every man may fee how dangerous and destructive they are to all Civil Governments. And the Church of Rome holds it to be lawful to promote their Interest by any way or means, though never so contrary to the Word of God and Common Morality of Honesty. Accordingly it has been their Practice, which produced the Parifian Maffacre, where fo many Protestants were barbarously murdered in one night. And in K. James's time the Powder Treafan, when the King and both Housesnof Parliament were to have been blown up, and the reft of the Protestants were to have talted of the same Cup. And in the late King's time, the Maffacre in Ireland, where of Two hundred Thousand Protestants that fell into their Hands, not one escaped, and all those perish'd in one Month. And the same measure we must have had, if their Plot had not been difcover'd, by which they had defigned to turn the whole Land into a Butchers Shambles. I don't mention these Particulars as all the Instances of their barbarous practices, I only give you thefe as Examples of what they do elsewhere, for in all places where they have endeavour'd to establish or propagate the Romift Doctrine and Superftition, it has been carried on by Blood and Cruelty, which proves it to be a false Religion, for this is contrary to the Precept and Example of our Saviour and his Apofiles, who had recourse to no such things when they propagated the Christian Faith, but to fireng Reason and evident Truths; for, it is not the way to convince Men of the Truth by Hardships and Severities, for by fuch Methods we can only hope to make Hypocrites, but not to gain Profelites:

and besides, it is an undervaluing of the Almighty Power of God, as if he stood in need of such assistances to establish his Truth.

But the Presbyterians are not of fuch Principles. they are willing to affift the Government against the Papills, for they have no other Interest, and therefore I cannot believe them to be like the foolift Woman, that pulls down her House with her Hands: And if we should believe, that their Principles enclined them to practife against the King and Government, I doubt it would cast a Reflection upon that which we would be loth to hear ill foken of; for as they differ from us only in some Indifferent Ceremonies, but agree with us in Doctrines and Fundamentals, therefore their Inscreft is the same, and accordingly will their Inclinations carry them. Their Practice proves them to be true to their King, and firm to the Government, for when the Popish Subjects have rebelled against their King, they have always fluck to their Prince, and that too in Popish Countries : Examples hereof there are very many, and the present French King on this score owes a great deal to them of the Reformed Religion; for when his Popish Subjeds rebelled, and would have fet up another in his room, they fluck to him, and feiled him in the Throne. It was the Presbyterians who were chiefly instrumental in his Majesty's Restauration, whilst others, who called themselves The Royal Party, . fate fill to fee the Game play'd, and when they faw which way the Seales would turn, were ready to applaud the Villor, let it fall to which lide it would: And His Majeffy was fo fenfible that the Presbyterians were chiefly instrumental in that Work justine declared himfelf in favour of them in these words: From

From Breda, April 14. 1660.

WE do declare a Liberty to tender Consciences, and that no Man shall be disquieted or called in question for Differences of Opinion in Matters of Religion, which do not diffurb the Peace of the King - . dom; and that we shall be ready to confent to such an All of Parliament, as upon mature deliberation shall be offered to us, for the full granting that Indulgence.

This is not fo very long fince, that it can in probability be imagined that they should now be so clean altered to the contrary, as to practife against the King and Government.

I don't wonder that there is a noise of a Presbyterian Plot, but it is some cause of admiration to

me, that fo many feem to believe it.

I can't tell what Information others may have met with, whereby they are prevailed upon to believe it, but all that I can understand, that has given ground for fuch a Sufficion, is, the Accusations against Colledge and my Lord Shafisbury, which methinks is too flender a proof to charge fo many Thousands with a Conspiracy against the King and Government: for in the Tryals both of Colledge and my Lord Shaftsbury, it was not fo much as attempted to prove a Plot in general; though at Colledge's Tryal it was urged, That that Method would be the more regular proceeding; but in both the Tryals the Evidence was levell'd against them chiefly, without fetching in such numbers as are necessary to make it a Plot of the Presbyterians. I shall not say any thing, whether the Evidence against both or either swore true, or not, nor of the

Improbabilities of some of them, but this, I think? I may say, That the things chiefly intisted on against either of them, were only Indiscretions committed by them: surely then it will be very severe, to charge so great a part of the Nation with a Plot, because my Lord Shaftsbury and Colledge had overshot themselves, if all were true that

was fworn against them.

It is no new thing for the Papills to put Shamplots upon others, and the Papills are never nearer to execute a Plot of their own, than when there is the most noise and buffle about some other People; for nothing can give them so great Security and Certainty to execute any Plot or Design, as when they amuse the Government with the Fear and Danger of other People; and accordingly have they acted all-along: The Parisian Massacre was performed with the greater Certainty, by pretending that the Hugonots had a design to seize the King. In all the Attempts that were made upon Queen Elizabeth, if any of them had taken effect, it was to have been charged upon the Puritans, as they were called.

The Gun-powder Plot, if it had succeeded, the Protestants were to have born the odium of it.

And if their present Conspiracy had not been prevented by an opportune discovery, it must have been cast upon the Dissenters, and thence the Papists would have taken occasion to murder Thousands of Protestants. And though they were defeated at that time, yet they quickly after attempted it again in Mrs. Celier's Meal-tub Plot; and though that had no better success than the former, yet I hope it is no breach of Charity to conclude, that this noise of a Presbyterian Plot is a Contrivance of the

Papifts,

to cover their own Bloody Defign till they put it in execution.

his a Plot of a large extent; and what the formed in France endure at prefent is an Effect ord, is, because the Work is not done here; If they could ever carry their Bufinefi bere, not by the Protestants in this King's Dominions, and be in France, but all the Protestants in Christenmust undergo the utmost Cruelties that Hell od Rome can invent.

And fince nothing will fuffice but our meer Defindion, if they get the upper band, it is high time b'anise our felves, to oppole fo dreadful an Ene-And, for my part, I do believe that I should hour the Centure of a Mad-man, if my Houset were befet by People who had refolved, if they could get in, to spoil my Goods, and cut the Throats of me and my Family, if some of my Serwints had offended me, I should chuse rather at that time to correct them for their Offence, than topals by their Fault, and encourage them to the me against those who were attempting to beak into my House. And, in my opinion, there the fame reason to be at this time a little ten-( (o far as by Law we can) towards those the differ from us only in Circumstantials, till. the Common Enemy is Subduet, and then we may with greater Safety and Security ule proper ways to make them more conformable.

must confess that I am not very inclinable to perfecute People barely on the score of Religion, and I think He Majesty has declared himself to the fame purpole; and till the discovery of the Plot, there was no man who found less fault with

Gggg

the Papills than I did; but by it I am convinced, that no Peace is to be had with them who with out any provocation ( for they were tenderly uted) thous frame and he ready to exercise to black a Design, as not to leave one Protestant alive.

Therefore if the danger to the King, our Lams and Religion does not asile from the Papifts, I cannot imagine what else we need to fear, but every man may lit fafely under his Vine and

Fig-tree.

. I amsucey fenfible, that there are fome who watch my Words and Attions very narrowly, and from this present Discourse will take occasion to call me Fanatick or Presbyterian, or if they could think of any term of greater Reproach, would not flick to lay it upon me: but fuch Revilings don't diffurb me, for the Mischief they defign to me by it will fall upon their own Pater, for their Accusations are false; they cannot charge me with the wilful breach of any Law, or in what Particular I don't conform to the Church ; I am fure they cannot convict me of any enormous Crime; if any day be appointed by the Government, whether for Fasting or Ibankegiving, they cannot say that I failed in my Duty; they cannot fay, that upon the 30th of Fanuary, or any other day of Humiliation, that at night, when I should have been in my Bed, or elle in my Closet; to lament the Sins of the Nation, and to bewail my own Offences, that either at my own House, or any adjacent Alchouse, I fate drinking and tippling . till three or four a clock in the morning, till I had made my felf and the rest of the Company drunk.

If any man be guilty of fuch things, he highly deferves the Severeft Punishment that can be inflictd upon him, for this is fuch grand Hypocrifie, and to plain a bidding of defiance to God, that they andangerous for any Civil Sockety : Such People as these, who fast only to prepare their Bodies for the Nights debauch, are the Informers upon Penal Statmes, who, to gain fomething to themselves, their Neighbours to a treble charge; thefe make no Conscience of an Oath, and are inclinable rather to swear too much than too little; yes, neglect their manifest Duty to God, that they may be able to accuse their Neighbours of a smaller Offence. Men of fuch Principles and Practifes as these, are they who beger an ill understanding betwist the King and his People, by Informations Suggestions, which if they were but made publick, they would be ashamed to own; by thee they endeavour to create in His Majesty a dillike of others who are better than themselves in erery respect; and hence it occasions, that our domestick affairs are pry'd into: I will not take upon me to fay how legal these things are, or how far these Proceedings are warranted by Law, but will leave it to every man to confider, whether he is not fafer any where than at his own House; whether his Table may not become a Snare to him, and his own Servants shall be the means to cut his Throat.

But if Informers would acquaint themselves with the Laws concerning Informations and Sugsificans, they would not be so halty in accuting others, for the Law does not seem to savour them at all, but rather discourages such Proceedings, for it gives the Party injurid very good Repara-

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tion,

tion, and severely punishes the Informer, if his Accusation prove false: as you will find by these Statutes.

- 5 Ed. III. 9. It is enacted, That no Man from benceforth shall be attacked by any Accusation, nor fore-judged of Life or Limb, nor bis Lands, Tenements, Goods, or Chattels seized into the King's Hands, against the form of the great Charter, and the Law of the Land.
- 37 Ed. III. 18. Though it be contained in the great Charter, That no Man be taken or imprisoned, not put out of his Freebold, without proces of Law, nevertbeleß divers People make falle Suggestions to the King bimself, as well for Malice as otherwife, whereof the King is often grieved, and divers of the Realm put in damage, against the form of the fame Charter: Wherefore it's ordained, That all they which make Suggestions shall be fent with the fame Suggestions before the Chancellor, Treasurer, and bis Grand Councel, and that they there find Surety to prove their Suggestions, and incur the fame Pam that the other should have bad if he were attainted, in case that his Suggestions be found evil: And that then proces of the Law be made against them, without being taken and imprisoned, against the form of the (aid great Charter and other Statutes.
- 38 Ed. III. 9. As to the Article made at the last Parliament, of those that make grievous Complaints to the King himself, it is affented, That if he that make h the Complaint cannot prove his Intent against the Defendant, by process limited in the same Arture, he shall be commanded to Prison, there to abide

wide till be bath made good to the Party of his Damages, and of the Stander that he bath suffer'd by such occasion, and after shall make Fine and Ransome to the King. And the point contained in the same Article, That the Plaintiff shall incur the same pain which the other should have if he were attainted, shall be out, in case that his Suggestion be found untrue.

42 Ed. III. 3. At the Request of the Commons, by their Petitions put forth in this Parliament, to eschewithe Mischies and Damage done to divers of his Commons by falle Accusers, which oftentimes have made their Acculations more for Revenge and fingular Benefit, than for the Profit of the King or his People; which acculed Persons some have been taken, and sometimes caused to come before the King's Council by Writ, and otherwise upon grievous Pain against the Law: It is affented and accorded, for the good governance of the Commons, that no man be put to answer without Presentments before Justices, or Matter of Record, or by due Process and Writ original, secording to she old Law of the Land : And if any thing from bencefarth be done to the contrary, it hall be void in the Law, and bolden for Error.

To the same purpose are the Statutes of 17 Rich. II. 6. 15 Hen. VI. 4. which you may peruse at your leisure; and because I will not trouble you too long, I will say no more of them, but leave every man to make his own Observations upon the whole matter, and so I'll proceed to the Particulars of your Charge.

But

But Gentlemen, if we invite our Friends to Dinner, and the Gates and Doors are left open for all persons that please to come in and partake of what the Cellar and Kitchin will afford, and no Violence or Rudeness is offer'd to any person, this is not a Riot within the meaning of the Law; and if any such thing shall be offer'd to your consideration, I hope you will not take it to be your Duty to present it.

Gentlemen, one thing more I will mention, and then I will dismiss you: There is a new Opinion which obtains very much, which is this, That a Grand Jury is oblig'd to find every Indictment, without considering the Credibility of Persons that sweat to it, and the probability of what they swear.

I must confess, I'do not understand the reasonableness of this Dodrine, for by this Rule a man has more play for any thing elfe than his Life ; First, As to his Estate, he has Relief three several ways, first, at Common Law; secondly, in Chancery; and thirdly, in Parliament. As to his Reputation, though he may be injured by a falfe Verdict, yet by an Arreft of Judgment he may have another Hearing, or elfe in process of time he may come to redeem his Credit forme other way; but when an Indiciment is preferred against a Man for his Life, and the Grand Jury are oblig'd to Find the Bill, if it be Sworn to, then that man has but one play for his Life; and if the Petty Jury give a falle Verdier; there's an end of him, for there is no redemption from the Grave. nem pluriw orth mogu and a

But besides, if you are obliged of course to find every Bill, if it be sworn to, and may not consider and deliberate upon the Evidence before you, not only a great many will be put to causeless Trouble and unnecessary Charge, but it will be an undervaluing of your Service, and a lessening of the Trust that your Country reposes in you. It is a new Doctrine, and therefore it is not convenient to be too forward to put it into practise, till time thall prove that it is agreeable to the Fundamentals of the Government.

And now, Gentlemen, I will detain you no longer, but do pray GOD to direct you in your Business.

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of through legals our any a to be Motored to properly (1) proted the facility of the control of the con-eshoem municipality in the second sec the complete said Bull to the control of oral it log of bright to lot to a set to 1 old serge at it rear every bath attitude it is agreeable the President at the fact of the Contract of in v. Company 1 will decide out the but do play it is the sound and the 477.30 Military sources for The Contractions -M. I vin it was a second and the second and turisme straig and the second straight and the second -1700

Monarchy the Best Government,

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# ENGLISH

Beyond all others.

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## SOMERULES

For the Choice of

Members to Serve in Parliament.

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Gentlemen of the Grand Jury,

T is very probable, that this is not the first time that all or many of you have been upon the Grand Jury, and therefore I have great reason to believe, that all or most of you are acquainted with what your Country expects from you this day; and for that cause I shall contract my Discourse into as narrow a compass as the present

#### 646 Monarchy the Best Government, and

perticulars of your Charge, I think it may not be impertinent (confidering the present juncture) to give you a short account of the Government of England, as it stands at this day.

#### Gentlemen,

Peace and Justice is the End of every Government under the Sun, and this is then only to be hoped for when the King on Governour duly executes and administers the Laws and Justice, and the People are disposed to obey and be governed by them; therefore it does naturally follow, that in every Government there is a Supreme Power to which all are to submit, whilst that Power contains it less within the Laws; for without this there can be no Order or Peace: if every than will be his own Master and Judge in his own Case, and not own a Superiour, our condition would quickly be worser than that of the Brute Beasts, for amongst them there seems to be a kind of Government to Sovernment to

Now, that fort of Government appears to be most proper and agreeable to Mankind, where the power and administration of the Lague and Juffier is vested or settled in one single person. And this is sully cleared by the course of Experience ever since the World began, although some temple are not so happy as to enjoy, this Blessing.

But Gentlemen, that Government which is under a fingle person (I mean a King.) is more or has happy for the People, according as it depends more upon the King's Well, and so consequently less upon the Laws,

and less upon the Pleasure of the King : And this is the difference betwixt us and out neighbeiering Nations ; our Government depends apon the Lans. but theirs chiefly, or for the most part, upon the Will and Pleasure of their Kings : and though no Government under the Sun be perfect in every point, yet I think I may fafely affirm, that ours is perfect, in comparison of any other Government in the World; for if we confider those Notions that have Parliaments, that Affembly is of little or no use to the People, but to pass into Laws the Edias of their King.

But God be praised, our Parliament is of far greater ufe and advantage to us, for there it is that our Grievances are redreffed ; and Lawr. that by process of time are become ufelest or bury thin some, are repealed, and new and profitable Laws and Statutes are made; and, in a word, Barliaments to our Neighbours are their Burden,

but ourigreat Happiness.

sed biverile mail a mail being who and be Secondly, All manner of Taxes and Impositions are laid upon the Beople, at the Will and Pleasure the Person to Very his Courts in Sail antelo

yn But we can have no Tax imposed upon its, but by our Confent in Parliament ; and there is this peculiar to us from the reft of the World, That no English-man can be taxed for his Hand-labour, whereas in other Countries, and especially France, energy manupays for what he gets by his Labour : In France devery Labourer pays two parts of three to the King; as, if he get Six pence in a day, Four pence is paid immediately to the King's Officer 2 1.4 has the view of spile and

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Thirdly, In other Countries War and Peace is mude by the King, without consulting the Peace is ples and they are chargeable to that War, tho made without their Consent, or against their Interest.

So it is with us, our King has the fole power of making War and Peace, but the Sinews of War is in the People ( I mean Money) and that they cannot part with, but with our own Confent. And although the Matter of War and Peace is an Areanum Imperii, and that no man (as some say) may pry into it, fave they to whom the King is pleased to communicate it: Yet I conceive, in this our Government, where the People are fo effential a part of it, that they ought to be fatiffied with the Ground and Reason of the War, before they make themselves chargeable to it: and the People are not bound to Support every War that the King may engage in; for methinks it's all the reason in the World that a Man should be fatisfied with the Canfe before he part with his Money, and I think that Man is very unworthy of the Honour to serve his Country in Parliament, who thall give away the Peoples Money for any other thing, but what shall be effectually for the good and advantage of the People and Nation.

Fourthly, The Estates and Goods are taken from the People without assigning a Reason of it, but only that it is the Mind of the King to have it so.

But here no Man can be deprived of his Estate or Goods, but by due course of Law, for Possession is that the Law is very tender of. But although some say, That the King's Commission may not be

refifted in any case what soever, I shall not argue that point, because this is not a proper time for it, and I hope we thall never have occasion to try it; if it ever should happen, I'll lay the Blame at the door of his Ministers, for our King is a merciful Prince, and loves not fuch things. Yet this, I am fore, cannot be denied, That every Man's House is his Castle, and may defend bimself and his Goods against those that shall affault or molest him; and Licannot believe that Man can be really a Friend either to his King or Country, but rather does it out; of some finisher end, or to curry Favour with the Court, that shall extol the King's Prerogative above the Laws, because this Doctrine, if rive quite defroys the Fundamentals of our Goverlientest i for if ever you fet the King above Laws, then it must necessarily follow, that the King derives his Title to the Crown of England not from the Laws of England, but from tomes thing elfe: but I am fure that man does the king no great Service, who puts the King to feek his Title to the Crown of England any where elles than from the laws of England. To fet the King above all Law but that of his own Will, does for directly tax the Justice of God Almighty, that I cannot believe him to be a good Christian that is of that Opinion, we are a minimum of the other

Fiftbly, In other Countries the Subjects are Imprisoned and Hanged at the Command of the King; without any other Reason given. hear the Burnane of us can be deprived of Life, Limb; of Liberty, but for some Offence first committed against forme known Law.

#### 690 Monarchy the Bell Government, and

sixibly, Our Neighbours are pressed; and forord to serve in foreign Countries against their Wills, and are banged for refusing

of the Nation, but I never heard that the King could press any English man to ferre beyond the Stas.

Sevenbly, In other Countries, though the King or his Officers commit never to many or great Ourrages and Cruelties upon the Pupil, yet have the Poople no Remedy against either the King or his Officers.

But with us, though our Law fays, That the King can do no Wrong, yet his Officers and Ministers may; and if any Man shall do an inclawful thing, though by the King's Command, that man is account to the People for it, and it is the Bright of every English man to call him to account; for if neither the King nor his Officers are answerable for a breach of the Laws, then our Laws significe nothing, and are but a dead Letter, and we no better than Staves.

pole, may be sufficient to convince any reasonable man of the Excellency of our Government. I shall not proceed further into Particulars, or discourse how and with what Caution all our Land are made, and how fuffice is administred in all Cases, for I should not only weary you, but want time to finish to great a Work; therefore I shall fay this in part, That in no Government in the World the People live with such Liberty and Secu-

vity of what we enjoy, when the Laws are duly observed and followed, as we do ; no Prince more late and happy than ours, when he holds to the Laws, and it is the mutual Interest of both King and People to maintain the Laws. It is the Intewith of the People to Support the King in his Legal Presogative, and it is the Interest of the King to preferve the People in their due Rights and Liberties, for the Happines of one is bound up in the Welfare of the other. There is a certain butlance betwice the King's Prerngative and the Peoples Properties, and he that endeavours to turn the Scales to either fide, does in effect endeaveur the destruction of both, for the Interest of the King and People are so interwoven, that we cannot separate or diffinguish one from the others lo a word, our Government is both the Envy and Admiration of our Neighbours.

But Gentlemen, notwithftanding our excellent frame of Government, yet I find that many are impatient under it, and thirft extreambo after that which is called a Common wealth, thinking ( no doubt) to enjoy greater Priviledges and Immunities than now they do. But I am apt to believe, that they who are not contented under this Government, have not confider'd aright what a Common wealth is. A Common wealth makes a found and shadow of Liberty to the People, but inhealist ty is but a Monarchy under another Name; for if Monarchy be Tyranny under a fingle person, a Come mon wealth is Tyranny under several persons, as mai by Persons that govern, so many Tyrants; but let it be the best that can be, yet the People under any Common-wealth enjoy not that Liberry that we do.

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#### 652 Monarchy the Best Government, and

Gentlemen, as the Excellency of this Government is an Argument sufficient to dissinate any of us from the least attempt of alteration, so Experience has taught us, that no sort of Government but that we now live under will suit or agree with England. Let us but consider the late Troubles, how many several kinds of Government were there set up one after another? All ways were tryed, but nothing would do, till we were

returned to our old and ancient way.

But, Gentlemen, it may fall out, that we our selves may be the Authors of our own Destruction, for whatever the Parliament does, we are bound up by it; if they pass a Lam to give away all we have to the King, we must submit to it. for it is our own Act : and therefore it highly behoves us to be very cautious who we chule to represent us in Parliament, we put all we have into their Hands, and what they do must bind and oblige us Every Man is mortal, and possibly? may be corrupted to vote against the Interest of them he represents ; I accuse none of your Representatives, nor do I accuse all, only tell you. that Men may be corrupted : Therefore, in my opinion, whenever you have occasion to chuse a Member for the Parliament (as now you have) you ought to have a care of an ambitious Man, or a Man that is vain glorious, for it was never known that any of that Temper were lo, out of a real intention to the Publick Good, for Ambition or Vain-glory was never accounted to be the Make of an Hones Man; and if you'll give me leave, I'll tell you what fort of a Man I thall give my. Vote for: if I cannot have a Man that is both wife and honest, then I would rather be for an honelt

honest than wife man; for I would rather trust all I have with a man that is truly honest, and less knowing, than with a man that is more knowing and less honest. I shall always be for s man that has a good Effate in the Country ; for mough he may possibly forget us, yet he will remember himfelf, and avoid all unneceffary charge upon the Country, because he himself is to pay part of it. Next I am for a moderate man, one that is not firid or rigid, neither one way nor the other, either in Church or State; for it's Moderation that must keep every thing in right order, and it's Severity and Rigidness that will bring things into confusion. In short, Gentlemen. let your own Judgment, and not another Man's Interest or Inclination, direct you in this case, for our Parliament is our Weal or Wee. And now I will proceed to the Particulars of your Charge.

The first and chief thing that you are to pre-

lene, is,

## High-Treason.

To Compass or Imagine the Death of the King, the

Queen, of their Eldeft Son.

Now, Gentlemen, you must observe, that the Heir's to the Crown are of two forts, first, Heir Apparent, that is the King's Eldest Son that is living, for no body else can be Heir Apparent; secondly, their Expediant or Presumptive, that is, he who in course of Descent is next in Blood to the King, It he hath no Son. Now, the Offence is not so great to kill or procure the Death of the Heir Hhhh

#### 654 Monarchy the Best Government, and

Expediant, as it is to compals or imagine the death

of the Heir Apparent.

To levy War against the King in his Realm, or to adhere to the King's Enemies in his Realm, or to give them Aid or Comfort in the Realm or elsewhere.

To counterfeit the King's Great Seal, or Privy Seal,

or bis Money.

To bring false Money into England, counterfeit the Money of England, and knowing the same to be false, with intent to make payment with the same.

To kill or slay the Chanceller, Treasurer, or the King's Justices of the one or the other Bench, Justices in Oyer, or of Assize, and all other Justices assign'd to bear and determine, being in their Places doing their Offices.

To counterfeit the King's Sign Manual, Privy

Signet or Seal, by I Q. Mary, 6.

To diminish, scale, or lighten the current Money of

England. 18 Eliz. I.

So Clipping, Washing, Rounding, and Filing of Current Money; by 5 Eliz. 2. There are too many Offenders in this nature amongst us.

The second time to extol and maintain the Pope's Authority formerly usurped here; and the second time to refuse to take the Oath of Supremacy; 5 Eliz. 1.

A Priest or Jesuite that shall come and remain bere, who shall be in any Seminary, and not return within six months after proclamation; 27 Eliz. 2.

To put in use any Bull or Instrument of Reconciliation or Absolution from Rome, or from any person au-

therized or claiming Authority from Rome.

Any Person that shall willingly receive any Absorbation, and all Aids and Abettors, it's High-Treation in them, by 13 Eliz. 2.

To withdraw any of the King's Subjects from their . Obedience or Religion.

And fuch Perfons as shall be withdrawn from their Oledence to the King, or their Religion, 23 Eliz. 1.

And now; Gentlemen, give me leave to take white to you of them who very largely discourse hat the King is above the Laws; I am very ape believe, that they don't confider very well what my fay, nor don't know or remember, that as his High-Treason to kill or hurt the King, so it High-Treason to subvert the Government, or to endeavour any alteration of it; and then I would ask any man to folve me this Question, Whether or no it be not an alteration of the Government, to render all our Laws ineffectual and useles, which must necessarily follow; and where it is, or spon what they ground their Opinion. I am fure the Word of God warrants no fuch thing; nor can my fuch thing be found in the ancient Government of this Island, for at first it was govern'd without a King. I don't mention this as if I question'd the King's Title to the Crown; no, Genelemen, I would have every subject to pay him all possible Duty and Obedience, but I fay his to thew you, that there is no Ground for that Opinion that the King is above the Laws. And I fure I never met with it either in Magna Char-14, or any Law made fince, and therefore I could with they would forbear to preach up fuch defitudive Doctrine both to King and People. here it is, for he that invades the Peoples Rights, does no less to the King: no man can perswade the King to do a thing more contrary to him and his Interest, than to invade the Peoples Rights, for fone be hurt the other is hurt alfo; and he that will Hhhh &

#### 656 Monarchy the Best Government, and

will not do the King Right, cannot expect to have Right done to himself: No man can come to his Right but by doing the King Right, give each its due, but have a care how you give either side so much as an inch. And therefore I would that People would forbear to preach up such destructive Doctrine both to King and People, and not put the King and Parliament to the Trouble to make a Law, whereby it shall be Treason in Words as well as Actions, to endeavour the least alteration in the Government.

### Petty-Treason.

For a Wife to kill ber Husband, or a Servant bis or ber Mafter or Miftris; 25 Eliz. 3. 2.

#### Pramunire.

It is properly a Writ, or Process of Summons awarded against such as brought in Bulls or Citations from the Court of Rome, to obtain Ecclesiastical Benefices by way of Provision before they fell void.

To contribute Money, or send Relief to any Jesuite or seminary Priest beyond Sea, or any College,

27 Eliz. 2.

The first time to extol or maintain the Authority and Power of the Bishop of Rome. Or,

The first time to refuse the Oak of Supremacy, is a

Pisemunire: 5 Eliz. 1.

If any bring over any Agnus Dei, Crosses, Place Chures, or Beads bollowed (as they call it) at Rome, to disperse among the People; or if any person receive such; 13 Eliz. 2. The

The Penalty in thefe and the like cafes, is, That Perfon offending shall forfeit all bis Lands, Tenemints, Goods, and Chattels, Imprisonment, and be put of the King's Protection : 16 Rich. 2. 5.

Gentlemen, you may observe, that many of the things I have mentioned are only done by the Roifis, whose Religion has been the Author of Mour Troubles and Mischiefs: It was the Papifts who took off the late King's Head, though they made use of other People to act their part, yet they were the Contrivers of all: it was they who fired London and Southwark ; and it's they whoat this time would have brought us into the greatest Confusion that ever had been heard of, by a Defign which nothing but Hell could be the Contriver of, but God in his Mercy brought it to light just when it should have been put in execution. It is with Horror when I confider the Cruelty and Bloodhed that must necessarily have ensued had this Plot gone on; it was no feigned thing, the matter is as clear as any thing can be, nothing but the execution of it could make it more clear; and yet I hear, that there are those who will take upon them to fay there is no Plot, and argue it; how far they are guilty themselves, I know not, but I must tell them, that they render themselves very suspicious, to argue against that which every body believes and is fatisfied of; for my part, I must judge them either to be in the Plot, or very much enclined to Popery: Wifely therefore has the Law provided for us, against that from which there is so much danger. If Popery be the True Religion, God Almighty is not God Almighty, for certainly that Religion is very defective whose Foundation must be layed in Blood and Cruelty; Hhhh 3 and

## 658 Monarchy the Best Government, and

and certainly God Almighty can propagate his Truth without having recourte to fuch unnatural means. I am fure there is not to be found in Scripture the least evidence or inflance to warrant the killing of Men for their Religion; Men are to be convinced by Reason and Scripture, and not by Force and Fire. The Papifts think it a hard thing to be required to take the Oaths of Allegiance and Supremacy, which Oaths don't deny them the private use of their Religion, only require from them a Security to be true to the Government, but don't consider, that their Church requires, that all must dye who will not change their Religion: or if any of them have an Estate held wrongfully from them, or is robbed or abused, they expect to have the benefit of the Low and Juffice of the Government; they expect that the Government shall defend them, and they will not be bound to maintain it: how reasonable this is, let any man judge. But, Gentlemen, there's no reason the Government should defend them that would destroy it; though the Penalties are great, yet you ought to avoid Tenderness, because so much depends upon it as does; and besides, where any of them comes under a Pramunire, the Persons themselves don't fuffer so much as the Common Stock, for they have Stocks and Banks for those uses, and to buy Poor People to their Religion. Popery is not a Religion but an Interett, which endeavours our deftruction, and therefore we ought to thew it no Favour. And this will fuit very well with Moderation, for in all the Laws against the Papists the Penalties are very medeft and mederate, in comparison to what we have found at their hands, and therefore

fore to put the Laws firongly in execution against them, cannot be called Severity.

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# Misprision of Treason.

To know any to be guilty of High Treason, and not

liation be offered to use, or put in use, if they do not make it known within six weeks, to some of the Privy Council. 13 Eliz. 2.

In them that shall be aiding, maintaining, or concealing of such persons as shall withdraw any from their Obedience or Religion, and not make it known to some fustice of Peace within twenty days. 23 Eliz.1.

The next thing that I am to give you in charge, is Felony, which is of two forts, against the Person, and against the Possession of another.

# Felonies against the Person of another.

If any commit Homicide, that is, kill or slay another, which if out of precedent Malice, either express.

Sed or implied, is Murther.

If upon a sudden Falling-out, Manslaughter.

If in doing a lawful action, is called Chance-

If in bis own defence, it's stiled Homicide se de-

Poyfoning, Stabbing, and Bewitching to Death, are Homicides.

If

If any commit a Rape, have the carnal knowledge of a Woman against her will, or with her will, if she be under Ten years old.

If any take away, or consent, or assist to take away any Maid, Widow, or Wife against ber will, she being

then interested in Lands or Goods.

If any marry a second Husband or Wife, the first being alive.

If any commit Buggery or Sodomy.

If any do willingly and maliciously cut out the Tongue, or put out the Eye of another. And by a Statute made the 22d, and 23d year of K. Ch. it is Felony, that by lying in wait, purposely or upon Malice forethought, to maim or dissigure another.

If any receive, relieve, or maintain any Jesuite or Seminary Priest, knowing bim to be such. 27 Eliz. 2.

If any incorrigible Rogue, judged dangerous and

banished, return again.

If any dangerous Rogue, branded in the Shoulder, return again to a roguish life.

# Felonies against the Possession of another.

If any break a Dwelling house in the Night, with intent to do any Felonious Act there.

If any rob another by the Highway, or take any

thing privately from his Person.

If any take the Goods of another in his absence, with intent to steal them.

If any Servant go away with his Master's Goods (delivered to him) with intent to steal them, being the value of 40 l. or upwards.

If any rob a Church.

If any maliciously burn the House, or Stack of Corn, or Barn of Corn of another.

If any do the second time forge any Deed, Evidence,

or Writing, and publish it to be a good Deed.

If any acknowledge a Fine, or Judgment, or Deed to be enrolled in the Name of another, and not being the true person.

If any Persons, above twelve in number, raise any

Tumults or Unlawful Affemblies.

If above forty Persons shall assemble together, to do any unlawful all, and shall continue together three bours after proclamation for their departure.

If any depart out of this Nation to serve a foreign Prince, without Leave, and before Bond entered, and

Oath taken according to the Statute.

If any persuade another to commit any Felony, or receive and affift any Felon after the Felony committed, thefe are Accessaries to the Felony.

If any rescue a Felon from Prison.

If any Felon break Prison, and escape, or be suffe-

red to escape and be resemed.

In both forts of Felonies fome have the Benefit of Clergy, others not; and because it's their Duty only to present them, therefore I have not troubled you with their distinctions, but have given you them in part.

# Misprision of Felony.

If any one know another to have committed Felony, and don't reveal it.

The

The next thing I am to acquaint you with, is,

# Trespasses and Offences against the Peace which are Finable.

If any menace, assault, beat, or wound another.

If any make unlawful entry upon another Man's Lands, or unlawfully take away other Mens Goods.

If any make unlawful Assemblies, Routs and Riots.

Tow are to present all Seditions Conventicles, according to 16 Charles 2. where there shall be five persons, over and above them of the Family, who shall meet together under colour or pretence of any Exercise of Religion, in any other manner than is allowed by the Liturgy of the Church of England.

Now, Gentlemen, although this Law does feem to comprehend all Diffenters, yet certainly not all alike, for it would be unreasonable that they who only differ in some things from the Church of England should be as rigorously intended by this Law, as those whose Worship and Principles are quite contrary to it : and, I think, the very Title of the Statute is an Argument for me, which is thus; Seditions Conventicles Suppressed. If it had been only Conventicles suppressed, then I should have been of another opinion. And therefore, Gentlemen, my opinion is, that this Law is rather intended against the Papilts, Quakers, and others of that fort, than against them who come nearer in their manner of Worship to the Church of England. And without question, at this time, it is not prudent to be very frict against them who differ from the Church of England only in some

Geremonies, in segard the Common Enemy to our Religion and Liberty is now very active; I mean Popery; and therefore it is very great Policy to unite our selves, that we may be the more able to relist Popery. I am sure, that this is not a time to harase or pull one-another in pieces for some small Points in Religion; I am sure it is that which the Pope and Church of Rome will esteem as a very great and meritorious piece of Service.

He that shall say or sing Mass forfeits 200 Marks, and Imprisonment a year, and after that till the Money be paid.

To bear Mass, forfeits 100 Marks, and Imprison-

ment a year.

He forfeits 20 l. per month, who does not come to Church; and if he forbear a year, to he bound in 200 l. to the good a hearing, till he conform. 23 Eliz. I.

A Conformed Recusant not taking the Sacrament, the first year forfeits 20 1. the second 40 1. and for

every year after 60 1.

Every Recufant that shall not come to Church,

forfeits 20 1. for every month.

Who shall be absent from Church, for every Sunday forfeits I l. and for want of Distress, to be committed to Prison.

To relieve or maintain a Reenfant not going to

Church, forfeits for every month 10 1.

To retain in ones Service a Recusant, who shall not repair to some Church, firstits 10 l. per month.

3 Jac. 4.

Now, Gentlemen, you must understand, that by by the word Recusant is meant Popish Recusant,

and no other whatfoever.

They

They who shall send their Children beyond Seas without License according to Law, forfeits 100 l. 3 Jac. 5.

If any chide, brawl, or draw a Weapon to firike,

or do frike in Church or Church-yard.

If any keep a Fair or Market in a Church or

Church-yard.

If any voluntarily disturb the Preacher in his Sermon.

The next Matters that I am to acquaint you with, are,

# Offences against Justice in general.

If any be a common Stirrer and Procurer of Lawsuits, or a common Brabler or Quarreller among his Neighbours, this is Barratry.

If any maintain the Law-suit of another, to have part of the thing in demand, this is Maintenance or

Champerty.

If any get Goods of another into his Hands, by false Tokens and Messages, this Deceit is punishable.

If any counterfeit a Deed or Writing, and publish

it as true, this is Forgery.

If any corrupt a Jury-man, by Bribery or Menace, to divert him from giving a just Verditt, this is Imbracery.

If any wilfully and corruptly swear falsely in Evidence to a Jury, it is Perjury; and to procure another so to do, is Subordination of Perjury.

And



And here, I think, I may mention Bailiffs and . other Officers taking or demanding unlawful and unreasonable Fees.

None ought to practife as an Attorney, but such only as have been bred up Attorneys at Law, and not every little Catebpole, that has read over a Book or two, for these are they that do all the Mischief, because Ignorance and Knavery for the most part go together; and, I doubt, there are forme who practife in this Court who are not duly qualified for it.

The next things you are to enquire into, are,

## The Neglects of Constables.

If be do not bastily pursue Hue-and Cry after Murtherers and Robbers.

If he do not truly execute and return all Warrants

Sent to bim from Justices of the Peace.

If be do not apprehend Beggars, Rogues, and Vagabonds, that are wandring or begging within his Office.

If be do not punish, by Stocking, such as refuse

to labour in Hay and Harvest time.

If be do not present at the Sessions, or to the next Justices, the Disorders in Alebouses, Defects in High ways, Recufants absence from Church, and such as keep Dogs, Guns, Nets, and the like, for the unlawful taking of Wild-fowl and Hares: And of this there is great cause of Complaint both against

the Constable and others, that presume to keep these things against an express Statute, made the 22d and 23d Car. 2. whereby it is provided, That none that have not 100 l. per annum Land of Inheritance, or 150 l. for Life, shall not keep a Gum, &c. But People do so generally offend against this Law, and Constables are so very negligent in not restraining others, that one would think there was no such Law.

If he do not cause Watch by Night, and Ward by Day, to be kept within his Office from Ascension day

to Michaelmas-day.

Here also is great cause of Complaint against Constables, for in many places this is wholly neglected; or where it is done, it is performed so indifferently, that it's little better than if it had been lest undone. The Neglect in this, is the Occasion of most of the Villanies that are committed in the Night; it is the want of this that gives Encouragement to Rogner to do that which else they would scarcely dare to think on. It's Security that promotes Wickednesses of that fort, and a Fear of being apprehended makes them desist from putting in execution what they had designed.

Then

Then Gentlemen, Coroner, Clerk of the Market, of the Peace, Searchers and Sealers of Leather, Toll-gatherers, Overseers of the Poor, and of the Highway, all these are reprefentable by you, for their Neglests in their several Offices.

If Artificers, Labourers, or Servants conspire what Wages to take, and not to work under those Rates.

If Artificers or Labourers undertake Work, and

depart before it be finished.

If Labourers or Servants take any more Wages than the Rates allowed by the Justices.

If any Servant affault Master or Mistris.

If any refuse to labour in Hay-time or Harvest;

these also are presentable by you.

So are Tanners, Curriers, Shoomakers, Butchers, Clothmakers, Coopers, if they fail to do according to the Law.

And now, Gentlemen, Lam to inform you of

Offences against the PLENTY of the Nation, such as these:

If any do buy any fort of Victuals as it is coming to a Market or Fair, this is Forestalling. If

If any buy Victuals in a Market, and sell it again

within four miles, this is Regrating.

If any buy any dead Victuals, or Corn growing upon the Ground, with intent to sell it again, this is Engrossing.

If any Victuallers confire to fell their Victuals at

unreasonable Prices.

If any destroy Wild-fowls Eggs, or take Wildfowl, between the last of May and the last of August.

If any not qualified by Law keep Dogs, &c. for

destroying of Hares, Pheasants, &c.

But this Law is to be understood and executed with the same moderation as all other Statutes are, for it was never the intention of our Lawmakers, that the Law should be expounded otherwife than according to Equity and Justice; and therefore many Laws are made rather in terrorem, than that they should be executed strictly in the words of it; for there is scarcely any Law, but if executed rigidly, according to the Letter of the Statute, but would rather be Grievous than a Benefit to the Subject; for it is a Maxim in the Law, That Summund jus eft summa Injuria : And therefore put the case, that a Man has a Gun or Greyhound, if it can't be proved that he has destroyed Game, it will be very hard to bring him within this Law. If a Man who lives remote from Neighbors keeps a Gun for a defence of his House, furely it will be fevere to juige him an Offender against Law, for every Man's House is his Cafele, and the Law will allow us Means whereby we may defend our Selves and Goods against any Violence that shall be offered to a landi any do buy on ort !

If any sell Pheasants, Partridge, or Hares.

the English beyond all others. 679.

The last Matters that I shall mention to you are,

### Common Nusances.

If any erect a Cottage, and do not lay four Acres of Ground to it, to be occupied with it.

If any continue such unlawful Cottage.

If any keep an Inmate in a Cottage.

If any Common Bridge be out of repair.

If common Highways be out of repair; or if any Ditches be unscoured or undrest, which should convey the Water from standing in the Highways.

If the Parishioners have not met at the day appointed to mend the Highways, as the Law directs.

If any common Vagabonds and Beggars, or Wandring Rogues do pass, or be suffer'd to pass, from place to place.

If any prophane the Lord's Dav, by travelling that day, or by using Sports and Unlawful Exercises that day.

If any prophanely swear or curse.

These and the like are by you to be pre-

Gentlemen,
I have now gone through the several Heads
of your Charge; many Particulars I have omitted, because I endeavoured to be as short as I
could; those that I have given you, I thought
to be the most material and proper at this
time; wherein I have been deficient, I question
not but your Experience will be able to inform

you. Iiii And



And Gentlemen, you must understand thus much in general, That it is required from you not only to present those Offenders that shall come to you by other Hands, that is, by Indictment or Presentment: But, if upon your own Knowledge any have offended in these or the like Cases, you are to Present them upon your own Knowledge.

Gentlemen,

There is now an Opportunity put into your Hands, to do a great deal of Good or Hurt: If you shall duly present all such Offences as shall come to your Knowledge, you then merit, the Good Opinion and Love of your Country; but if you shall conceal any, then you do a great Differvice to your Country, and make your self

a Party in the Crime, by concealing it.

In my Discourse I have in some Cases given you my Opinion, and I have done it really and truly from my Heart, out of my sincere Loyalty to my King and Love to my Country; and if I am mistaken, I hope you will rather pardon than blame me, for I have no intention to deceive you. I wish we were all of one Mind, but it is our Misery that it is otherwise. I know some parts of my Discourse will not relish with every body, but I cannot help it: This is a time that every Man's Principles ought to be known; I am not ashamed of mine, and therefore have been the more free with you. I'll trouble you no surther, but pray God Almighty direct you in your Work.

#### A

# POEM

On the Death of

# My Lady Warrington.

OW vain is every thing that lives by breath, That's only born to be destroy'a by Death ! And all the while it doth its Breath retain Is fure of nothing, but of Toyl and Pain, And only toyls that it may toyl again. And of all things that thus so wretched are, It is Man's Lot to have the worfer Share: He that was made the Lord o'er all the reft, Is doom'd with anxious Cares to be opprest, Being decreed by an Eternal Law In a most tedious irksome Toke to draw; For he must sweat and toyl, if he will live; From which he never must expect Reprieve. Those things that do him bove the Beast prefer Serve only for to waste his Days with Care, And make him fondly after Baubles run, To feek for Reft, and find himself undone. His Reason often does to Madness grow; His Knowledge does his Scanty Talent show.

Wretched

Wretched he is, if he abound or want,
Unceasing Racks the Needy Soul does rent;
With Food and Raiment only who's content?
Or, if it chance his Goods do overflow,
As few they are to whom it happens so,
The fear of losing what he has destroys
The Pleasure of those sbings which he enjoys.
For, who can call these Earthly Things his own?
No sooner are they come but they are gone.
As fleeting and as empty as the Air
Are all those things that do employ our Care.

Thus, in one fingle moment, have I loft That which of Earthly Things I valued most; For with one fatal froke Death does defroy The greatest Bleffing Man did e'er enjoy. How very great a Burthen must I bear? Where is that thing that can my Loss repair? Her Virtue Was above Temptation fure, As chaste as Ice, no Mixture would endure : Safely I might my Honour with her truft, Who was in that and all things elfe fo just. Not that the wanted any of that Heat That at fit periods fresh Defires create. But in all things her felf did gevern fo, To shew her Virtue and Affection too. So long as I her Conversation had, A perfect Calmdid then my Days o'erspread; So evenly my Minutes still did flide, I'd all the Comfort, nothing of the Care, Altho' in Wedlock Joy and Croffes arc. Unto her Care Helt my Family, Her Prudence of that Trouble did me frec. And with what Pleafure have I oft bebeld Her Conduit, which all others fo excell'd,

That Solomon, were he to write again The Character of a Wife Matron, He'd see what he had writ had a Defect, And by her Copy would his Faults correct. What Wildom and Affection did the show When the rough Storms full in my Face did blow? With how much Pleasure the her part did bear, Or rather fay, did take the bigger share, And always forward still to interpole Twixt me and any Storm when it arole? And though the Tempelts often were extream, I rather fam than felt them when they came. Her Children found the'd all that tender Care Which all kind Mothers to their Infants bear : None could feem fonder, yet withal did show She did the part of a wife Mother do; So equally her felf to them addreft, That none could tell which of them the lov'd best. With pleasing Arts their tender years the woo'd, And made them early take delight in Good; And the was bleft therein with fuch Success, It did together with their Tears encrease; So that it's hop'd, by what's already patt, That good Impression with their Lives will last. The Poor remember with unfeigned Grief, How often by her Hand they've had Relief. .. w many Supplicants did the cloatb and feed, And ne'r deny'd it any that had Need ? Her Charity did plentifully flow; Yet what the did was not to make a Show, Her left Hand knew not what her right did do. Gan any doubt whether that she who thus

Gan any doubt whether that the who Govern'd her felf was not Religious?

To all that knew her well it did appear,

She truly did her Great Creator fear.

Iii i 3

She

684 A Poem on the Death of exc.

She bumbly walk'd, and yet without Conftraint,
Was not morose, nor yet impertinent.
In serving God her Care was to be seen
By him she morship'd, nor observ'd by Men;
An outside Worship she accounted vain.
A Cheerful Temper she by Nature had,
And what could then make her reserv'd or sad
That had so early made her Peace with God?

Thus did the live till the was call'd away, When the barfo Meffage did not her difmay; The grim-look'd Meffenger the did not thun, But made him wait till the her Work had done: She did a Courage bove a Mortal thow, And in this All did all the rest out-do.

With mighty Splendor his strong Beams display, Yet did it not abate when it declin'd, But, as it sett, the brighter then it shin'd. Thus did she go to her Eternal Rest, That was of Wives, nay, of her Sex, the Best.



FINIS.

